

After Corruption Ruling, Pa. Senate OKs Restitution To Gov't

In the wake of a landmark ruling voiding a restitution payment in a corruption case against a state lawmaker, the Pennsylvania Senate has approved a bill that would explicitly allow the state and other entities to recoup funds for crimes committed at their expense. [Read more »](#)

PEOPLE

Ropes & Gray Partner Is Republican Candidate For NY AG

Keith H. Wofford, a Ropes & Gray LLP partner who co-manages the firm's New York office, got the nod on Thursday to run for state attorney general on the Republican ticket in the wake of Eric Schneiderman's abrupt downfall. [Read more »](#)

EXPERT ANALYSIS

States Need Realistic Expectations For Sports Betting

In the run-up to the U.S. Supreme Court's decision in *Murphy v. NCAA*, many state officials viewed legalized sports betting as the answer to their budgetary problems. But states will soon learn, if they haven't already, that sports betting is a complicated and low-margin business. Nevada's results are sobering, say A.G. Burnett and Rick Trachok of McDonald Carano LLP. [Read more »](#)

The 965 Tax: What Congress Giveth, Can IRS Taketh Away?

A recently announced IRS position that surprised many tax practitioners is inconsistent with the plain language of Internal Revenue Code Section 965 and congressional intent — and creates problems for both individual and corporate taxpayers, says Carlos Santos of Kaufman Rossin PA. [Read more »](#)

Keys To Protecting Communications With Litigation Funders

As different jurisdictions impose their own disclosure requirements regarding commercial litigation finance, there can be no "one size fits all" approach to ensuring confidentiality. But litigants, lawyers and litigation funders may be able to decrease disclosure risks through a handful of best practices, says Alan Guy of Vannin Capital. [Read more »](#)

LEGAL INDUSTRY

Proskauer Says Partner Behind Pay Bias Suit Made Bank

Proskauer Rose LLP on Wednesday disputed claims it unfairly paid a female partner less than men in similar positions, saying in an answer to her recently revised suit that she earned a bigger share of firm profits in one of the years covered by the case than all but three men in the firm's employment practice. [Read more »](#)

Law360's Weekly Verdict: Legal Lions & Lambs

High court heavyweight Paul Clement of Kirkland & Ellis LLP is this week's top legal lion with a U.S. Supreme Court decision preserving employers' use of class action waivers, while Womble Bond Dickinson LLP and Shook Hardy & Bacon LLP ended up legal lambs after a jury slammed their tobacco company clients with a \$21 million verdict in a smoker's lung cancer case. [Read more »](#)

3rd For-Profit Law School Sues ABA Over Enforcement Action

Arizona Summit Law School filed suit Thursday against the American Bar Association, which has kept the school on probation since March 2017 and last month determined it was still failing to meet ABA standards, saying the association's action

against Arizona Summit is "arbitrary and capricious." [Read more »](#)

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From: Public Policy Law360
Sent: Thursday, May 31, 2018 4:59 AM
To: Rep48
Subject: Trump Tells 2nd Circ. To Nix 'Manufactured' Emoluments Suit



Thursday, May 31, 2018



TOP NEWS

Trump Tells 2nd Circ. To Nix 'Manufactured' Emoluments Suit

President Donald Trump urged the Second Circuit to affirm the dismissal of litigation alleging his financial interests in hotels and restaurants that receive payments from foreign and domestic government officials violate the Constitution's emoluments clauses, asserting that a restaurant worker advocacy group and two hospitality industry players lack standing for their "manufactured" lawsuit. [Read more »](#)

Analysis

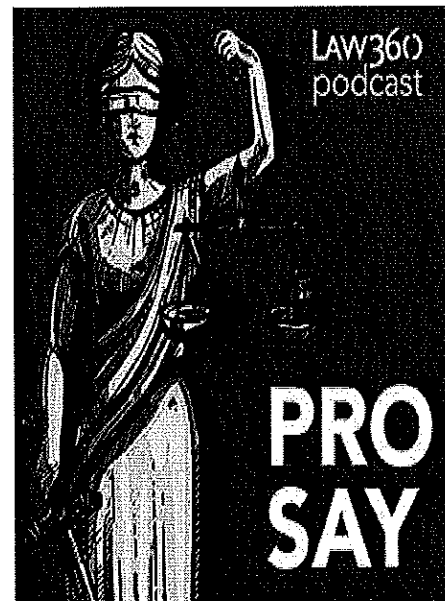
If Jury Racism Isn't OK, Neither Is Homophobia, Justices Told

The U.S. Supreme Court ruled last term that judges could hear evidence of racial bias in the jury room despite a long tradition of secrecy in such deliberations. A gay man sentenced to death by a South Dakota jury in the early 1990s is now asking the justices to apply that decision to alleged homophobia in a case to be considered next month. [Read more »](#)

Feature

Public Opinion Split, EPA Faces Tough Call On Groundwater

The U.S. Environmental Protection Agency received nearly 60,000 comments about whether it should stop, clarify, change or



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Baker Botts
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continue the way it has permitted some groundwater pollution discharges under the Clean Water Act, with many industry groups opposing regulation, environmental groups supporting it, and municipalities such as Los Angeles and New York City expressing different views. [Read more »](#)

Skydiving Co. Asks Justices To Review Gay Bias Ruling

The New York skydiving company at the center of a suit that earlier this year saw the en banc Second Circuit extend federal discrimination protections to gay workers has asked the U.S. Supreme Court to review the decision, arguing the appeals court wrongly usurped Congress' lawmaking authority. [Read more »](#)

Calif. AG Becerra Ineligible For The Job, Rival Says

California Attorney General Xavier Becerra is constitutionally ineligible to hold the office of attorney general and should be dropped from the November 2018 ballot, according to a lawsuit filed Tuesday in Sacramento state court by a Republican challenger. [Read more »](#)

BANKING & SECURITIES

Fed Rolls Out Proposed Changes To Volcker Rule

Banks could get some relief from the Volcker rule under a package of proposals unveiled by the Federal Reserve on Wednesday, kicking off the next phase of an interagency effort to pare back a key set of post-crisis restrictions on bank risk-taking that critics warn could threaten financial stability. [Read more »](#)

Barclays, HP Grapple With Fraud Payout After DOJ Declination

The U.S. Department of Justice has given Barclays more time to negotiate with Hewlett-Packard Corp. over how much the bank should pay in restitution for a foreign currency exchange fraud on HP that the DOJ declined

Cohen Milstein
Covington & Burling
Cravath Swaine
Crowell & Moring
Cullen Law Firm
Dentons
Donoghue Barrett
Duane Morris
Early Sullivan Wright
Earthjustice
Epstein Becker Green
Fox Rothschild
Frankfurt Kurnit
Gibson Dunn
Gupta Wessler
Harris Wiltshire
Hinshaw & Culbertson
Holland & Knight
Horwood Marcus
Jenner & Block
Jones Day
Keker Van Nest & Peters
Kirkland & Ellis
Labaton Sucharow
Law Office of Cooley & Associates
Lieff Cabraser
Littler Mendelson
Lommen Abdo
McGuireWoods
Morgan Lewis
Morrison & Foerster
Nixon Peabody
O'Melveny & Myers
Olshan Frome Wolosky
Paul Weiss
Perkins Coie
Petrillo Klein
Quinn Emanuel

to prosecute, according to a document made public Wednesday. [Read more »](#)

Dodd-Frank Rollback Also Expands Reg A+ Benefits

The recent Dodd-Frank rollback, aimed mostly at curbing financial regulations, also relaxed certain capital-raising rules, including a restriction that bars public reporting companies from using so-called Reg A+ offerings, a change that experts said Wednesday could make it easier for small companies to raise money. [Read more »](#)

ENERGY & ENVIRONMENTAL

NY, Calif. Sue EPA Over Delayed Pesticide Training Update

The U.S. Environmental Protection Agency abused its discretion and unnecessarily harmed workers when it decided to delay the enforcement of an Obama-era rule forcing employers to provide updated pesticide training, New York, California and Maryland said in a joint lawsuit filed in New York federal court Wednesday. [Read more »](#)

Enviros Seek To Force EPA, FWS Malathion Review

Environmental groups on Wednesday sued the U.S. Environmental Protection Agency and U.S. Fish and Wildlife Service in California federal court, alleging they have improperly failed to determine whether the pesticide malathion poses a danger to threatened and endangered species. [Read more »](#)

Calif. Appeals Court Dumps CARB Truck-Filter Rule Suits

A state appeals court handed the California Air Resources Board a win Tuesday by rejecting a pair of suits seeking to invalidate the board's regulation requiring that commercial trucks install engine particulate filters, saying both

Reed Smith
Sanders Warren
Selendy & Gay
Shaw Fishman
Stroock & Stroock
Sullivan & Cromwell
Thornton Law Firm LLP
Weil Gotshal
WilmerHale
Wilson Sonsini
Winston & Strawn
Zabell & Associates

COMPANIES

AT&T Inc.
Alliance Defending Freedom
American Bankers Association
American Cable Association
American Civil Liberties Union
American Fuel & Petrochemical Manufacturers
Center for Biological Diversity Inc.
Citizens for Responsibility and Ethics in Washington
Comcast Corporation
Conservation Law Foundation
Consumer Bankers Association
Dominion Energy Inc.
Dover Corp
Dow Chemical Co.
Facebook
Financial Services Roundtable
Google Inc.
Innophos Holdings, Inc.
Kaspersky Lab Ltd.
Kinder Morgan
Lambda Legal Defense & Educational Fund
Lowe's Companies Inc.

challenges were filed in the wrong forum. Read more »

Enviros' Owl, Wolf Worries Can't Stop Calif. Forest Project

A California federal judge on Tuesday dismissed an environmental group's lawsuit accusing the U.S. Forest Service and Fish and Wildlife Service of improperly approving a forest-thinning project that it says would imperil gray wolves and northern spotted owls. Read more »

DOE Resists Publishing Energy-Saver Rules At 9th Circ.

The U.S. Department of Energy has told the Ninth Circuit that a lower court improperly said it must publish Obama-era energy conservation standards for industrial and household appliances, arguing the agency had the authority to reverse itself prior to the rules' publication in the Federal Register. Read more »

FERC Pipeline Process Needs Work, DOE Watchdog Says

The Federal Energy Regulatory Commission should take steps to increase public transparency of how it reviews and approves natural gas infrastructure projects, including improving public access to records related to projects under review, the U.S. Department of Energy's watchdog said in a report made public Wednesday. Read more »

EPA Biofuel Regs Have No Basis In Reality, DC Circ. Told

The U.S. Environmental Protection Agency simply ignored the market pressures buffeting the renewable fuel industry when it botched setting the 2017 levels of renewable fuels that must be blended into the nation's transportation fuel supply, petroleum industry and refiner groups told the D.C. Circuit on Tuesday. Read more »

Major Lindsey & Africa
Markets Group Inc.
Metropolitan Water District of Southern California
Mexican American Legal Defense and Education Fund
Microsoft Corporation
Monroe Energy LLC
NASDAQ OMX Group Inc.
NBCUniversal Inc.
National Collegiate Athletic Association
National Mining Association
Natural Resources Defense Council
Netflix Inc.
Owner-Operator Independent Drivers Association Inc.
Planned Parenthood Federation
Public Broadcasting Service
Public Knowledge
RCN Corp.
Raycom Media Inc.
Sinclair Broadcast Group, Inc.
State Street Corp.
The DIRECTV Group, Inc.
The Internet Association
The Walt Disney Co.
Time Warner Inc.
Tribune Media Co.
Trump Organization Inc.
Turner Broadcasting System Inc.
Twitter Inc.
Universal Service Administrative Co.
Viacom Inc.

GOVERNMENT AGENCIES

Bureau of Indian Affairs
California Air Resources Board

HEALTH & LIFE SCIENCES

Businesses Tell Trump Admin. To Suspend ACA Tax Penalties

The Internal Revenue Service should immediately cease issuing tax penalties associated with the Affordable Care Act's employer mandate, a dozen business groups said in a letter Wednesday to top officials in President Donald Trump's cabinet. [Read more »](#)

FDA Issues Challenge For New Tech To Fight Opioid Crisis

The U.S. Food and Drug Administration put out a call Wednesday for new technologies that could help fight the nationwide opioid crisis, promising a close working relationship with the agency and the possibility of breakthrough designation for devices that make the cut. [Read more »](#)

Groups Urge 9th Circ. To Keep ACA Birth Control Rules Halted

Dozens of reproductive rights, civil liberties, gender equality, religious and health groups on Tuesday supported California, Delaware, Maryland, New York and Virginia in urging the Ninth Circuit to uphold a nationwide block on Trump administration rules permitting employers to claim religious or moral exemptions to the Affordable Care Act's contraception mandate. [Read more »](#)

EMPLOYMENT

Sens. Ask NLRB Chair To Nix Potential Joint-Employer Regs

Sens. Bernie Sanders, I-Vt.; Elizabeth Warren, D-Mass.; and Kirsten Gillibrand, D-N.Y., expressed their concern Wednesday to National Labor Relations Board Chairman John Ring that the agency is looking to avoid ethical restrictions on board members by using the regulatory process to overturn the board's

California Attorney General's Office
Cherokee Nation

Commodity Futures Trading
Commission

Confederated Tribes and Bands of
the Yakama Nation

European Commission

European Union

Executive Office for Immigration
Review

Federal Bureau of Investigation

Federal Communications
Commission

Federal Deposit Insurance Corp.

Federal Election Commission

Federal Energy Regulatory
Commission

Federal Reserve System

Fish and Wildlife Service

Food and Drug Administration

Illinois Department of Revenue

Illinois General Assembly

Internal Revenue Service

National Labor Relations Board

National Security Agency

Navajo Nation

New York Attorney General's
Office

Office of Foreign Assets Control

Office of the Comptroller of the
Currency

Securities and Exchange
Commission

U.S. Air Force

U.S. Attorney's Office

U.S. Department of Defense

U.S. Department of Energy

U.S. Department of Health and
Human Services

controversial 2015 Browning-Ferris joint-employment decision. [Read more »](#)

COMPETITION

Media Giants Balk At Cable Group's Fix For AT&T-TW Deal

Media giants Walt Disney Co., Fox and CBS pushed to intervene in the U.S. Department of Justice's challenge to AT&T's \$85 billion merger with Time Warner, arguing Tuesday that the American Cable Association's proposed antitrust remedy for the deal would endanger their confidential licensing agreements. [Read more »](#)

EU Lawmakers Reach Deal On National Antitrust Powers

The European Parliament on Wednesday reached a deal with the Council of the European Union over a proposal to give antitrust agencies of member nations greater investigative and enforcement powers, while also requiring their independence. [Read more »](#)

CYBERSECURITY & PRIVACY

Kaspersky Software Ban Within US Rights, DC Judge Says

A D.C. federal judge tossed two lawsuits brought by Kaspersky Lab over the U.S. ban on its antivirus products, finding Wednesday that the government had constitutional grounds to stop using the Moscow-based firm's software amid concerns that it could be hijacked by Russian spies. [Read more »](#)

AEROSPACE & DEFENSE

Gov't Urges 9th Circ. To Lift Bar On DOD Transgender Ban

The federal government on Tuesday urged the Ninth Circuit to lift an injunction against President Donald Trump's policy barring many transgender individuals from military service,

U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of the Interior
U.S. Department of the Treasury
U.S. Environmental Protection Agency
U.S. Forest Service
U.S. House of Representatives
U.S. Immigration and Customs Enforcement
U.S. Senate
U.S. Supreme Court
World Health Organization

saying the policy is constitutional as a military decision and a district court had not properly assessed the issue before granting the injunction. [Read more »](#)

Guardsmen Sue DOD Over 'Unconstitutional' HIV Policy

An Army National Guardsman sued the U.S. Department of Defense in Virginia federal court Wednesday claiming that policies that variously exclude or limit the military service of HIV-positive people, which have denied him a military lawyer position and may cost him his place in the military altogether, are unconstitutional. [Read more »](#)

IMMIGRATION

Feature

What Attorneys Can Do To Reunify Immigrant Families

The Trump administration's plan to prosecute all unauthorized border crossers, resulting in more children being separated from their parents, has already created roadblocks for attorneys trying to reunify immigrant families. Here, Law360 examines what attorneys can do in the face of this new enforcement protocol. [Read more »](#)

DOJ Redacts Immigration Docs In Response To FOIA Request

A New York-based immigration attorney is crying foul after the U.S. Department of Justice responded to his Freedom of Information Act request for copies of dozens of decisions involving an immigration judge by releasing heavily redacted versions of the documents. [Read more »](#)

Advocates Lose Bid To Toss Texas DACA Challenge

A Texas federal judge on Wednesday rejected a bid by an immigration advocacy group that he toss a recently filed suit by Texas and six other states challenging the legality of the

federal Deferred Action for Childhood Arrivals program because a pending case in California is already reviewing the matter. [Read more »](#)

Immigrants Say LI Sheriff Violates Rights By Holding For ICE

A pair of immigrants residing in Long Island, New York, have renewed their proposed class action against Suffolk County and its sheriff's office over an alleged practice of holding detained individuals 48 hours past their release date when asked to by U.S. Immigration and Customs Enforcement. [Read more »](#)

NATIVE AMERICAN

Federal Law Applies In Native Cig Tax Suit, 2nd Circ. Told

The federal government on Tuesday told the Second Circuit that a lower court wrongly dismissed some claims in a cigarette tax battle between the state of New York and a Native American-owned tobacco maker, saying the tribe's cigarette sales to reservations in other states constituted interstate commerce subject to the Prevent All Cigarette Trafficking Act. [Read more »](#)

States Back Indian Child Welfare Act In Texas' Challenge

California and several other states with large Native American populations have voiced their support for the Indian Child Welfare Act in the state of Texas' challenge to the statute in federal court, arguing that the law doesn't violate constitutional protections and plays an important role in rectifying former abuses against tribes. [Read more »](#)

TELECOMMUNICATIONS

Newsmax Duels With Broadcasters Over FCC Ownership Cap

Conservative news organization Newsmax is duking it out with some big broadcast groups over the Federal Communications

Commission's proposal for raising the national ownership cap for TV stations. [Read more »](#)

Web Platforms, Advocates Divided Over New Ad Disclosures

Tech and public advocacy groups appeared divided in recent days over whether the Federal Election Commission should bring paid web advertisements under the same transparency standards applied to broadcast advertisements, or whether it should apply a less rigorous standard. [Read more »](#)

Lifeline 'Flaw' Could Hurt Online Enrollment, FCC Told

The Federal Communications Commission needs to fix a "flaw" in the online enrollment system for the Lifeline subsidy program that could hurt rural and other customers signing up for discounted phone service offered to low-income consumers, Q Link Wireless LLC recently told senior agency staffers. [Read more »](#)

Calif. Senate Clears State Net Neutrality Bill

California's state senate cleared a net neutrality measure Wednesday that supporters argue is needed to plug the gap they say will be left when the Federal Communications Commission's own rules prohibiting discriminating between internet traffic are taken offline next month. [Read more »](#)

WHITE COLLAR

7th Circ. Keeps Indictment Against Ex-Rep. Aaron Schock

The Seventh Circuit on Wednesday rejected former U.S. Rep. Aaron Schock's bid to dismiss his federal indictment on charges he misused public funding to cover interior decorating and travel costs, saying the Constitution's rulemaking clause does not protect him from prosecution. [Read more »](#)

Ex-NJ Utility Agency Official Cops To Kickback Schemes

A onetime commissioner of a defunct New Jersey utilities agency admitted Wednesday that he took kickbacks from contractors he paid for work that was never performed, federal prosecutors said. [Read more »](#)

'Friends' Of Paul Manafort Launch Legal Defense Fund

A group claiming to be "longtime friends" of Paul Manafort announced the launch of a legal defense fund Wednesday to help the former Trump campaign chair fight allegations of financial crimes brought against him in D.C. and Virginia federal courts. [Read more »](#)

EXPERT ANALYSIS

Changes Are Coming For Providers Of 800 Numbers

The Federal Communications Commission is slated to consider potential new rules concerning the use of 800 numbers on June 7. The rules will most directly affect network providers, but may also result in reduced costs for companies providing 800-number calling to their customers, says Michael Pryor of Brownstein Hyatt Farber Schreck LLP. [Read more »](#)

Is Your Mental Health Parity Compliance Up To Par?

Compliance with the requirements of the Mental Health Parity and Addiction Equity Act is an enforcement priority for the U.S. Department of Labor this year. Given recently proposed FAQs from the DOL, the U.S. Department of Health and Human Services, and the U.S. Department of the Treasury, sponsors of group health plans should review and analyze their programs, says Michelle Capezza of Epstein Becker Green. [Read more »](#)

Calif. Consumer Privacy Act: 6 Considerations For Banks

Financial institutions in the United States are no strangers to privacy regulations, particularly given the obligations imposed by the federal Gramm-Leach-Bliley Act and the California Financial Information Privacy Act. But the California Consumer Privacy Act — an initiative likely to appear on the November ballot — could complicate existing privacy processes, say Nathan Taylor and Purvi Patel of Morrison & Foerster LLP. [Read more »](#)

Illinois Tax Talk: Time To Toss The 'Throw-Out' Rule?

While many states employ some form of throw-back rule in calculating sales factor, Illinois' espousal of both a throw-back and throw-out rule is unique. Given the incompatibility between Illinois' market-based sourcing, Illinois' use of throw-out is likely to generate substantial controversy, says Christopher Lutz of Horwood Marcus & Berk Chtd. [Read more »](#)

The Potentially Far-Reaching Impact Of Sports Betting Case

The U.S. Supreme Court's decision in *Murphy v. National Collegiate Athletic Association* was focused on sports betting but could be construed as conferring substantially more power on states in general, on issues including gun control, marijuana legalization and sanctuary cities, says Cory Lapin of Manning Gross & Massenburg LLP. [Read more »](#)

Opinion

A Pragmatic Alternative To Separating Families At The Border

In response to the recent increase of arrivals at the U.S. southern border, the Trump administration has instituted a policy of prosecuting all border crossers and separating parents from their children. However, there is a less controversial and more logical way for the administration to solve this problem without

Congress, says Leon Fresco of Holland & Knight LLP. [Read more »](#)

LEGAL INDUSTRY

Analysis

Quinn Emanuel Tiff With Ex-Partners Raises Ethics Questions

Quinn Emanuel Urquhart & Sullivan LLP engaged in an ethically dubious gambit when it allegedly attempted to prevent a group of defecting partners from poaching associates by threatening to enforce an unenforceable clause in their contract, experts said. [Read more »](#)

Weil Reduces Partnership Track Timeline To Woo Associates

Weil Gotshal & Manges LLP on Wednesday said it will shorten the length of time it takes associates to reach the rank of partner or counsel in a renewed effort to keep high-quality talent at the firm. [Read more »](#)

Reed Smith Initiative Focuses On Associate Advancement

Reed Smith LLP on Wednesday unveiled a new internal, multifaceted initiative aimed at preparing the firm's greenest lawyers to move up the ranks and take on more responsibility at the firm. [Read more »](#)

3 Firms Accused Of Misconduct In Billable Hours Probe

A special master appointed in a billing probe found misconduct on the part of the attorneys who led a \$300 million class action settlement with State Street Corp. and recommended that a significant chunk of a \$75 million fee award be returned, according to details revealed during a contentious hearing Wednesday in a Massachusetts courtroom. [Read more »](#)

Fox Rothschild Announces Merger With Shaw Fishman

Philadelphia-headquartered Fox Rothschild LLP has agreed to merge with Shaw Fishman Glantz & Towbin LLC, a 23-attorney firm with focuses in commercial bankruptcy & restructuring, commercial litigation and real estate, according to statements released Wednesday. [Read more »](#)

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From: Public Policy Law360
Sent: Friday, June 1, 2018 4:30 AM
To: Rep48
Subject: FDIC, OCC Back Volcker Rule Reform Proposal



Friday, June 1, 2018



TOP NEWS

FDIC, OCC Back Volcker Rule Reform Proposal

The Federal Deposit Insurance Corp. and Office of the Comptroller of the Currency have signed off on the package of proposed changes to the Volcker rule that were unveiled earlier this week by the Federal Reserve. [Read more »](#)

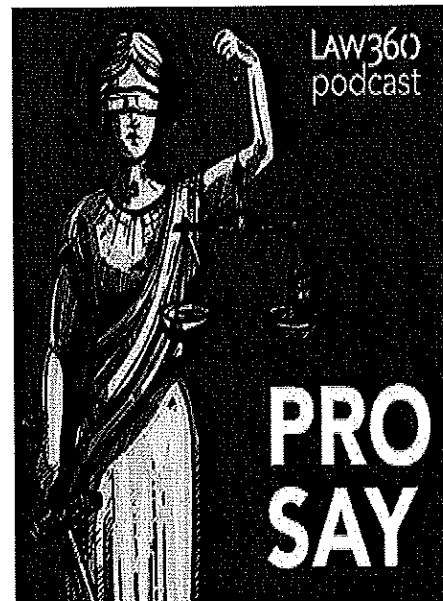
FDA Targets Anti-Generic Foot-Dragging By Big Drugmakers

The U.S. Food and Drug Administration on Thursday explained when it will exempt generic-drug makers from having to share special safety measures with brand-name rivals, in the agency's latest effort to tackle drug prices and alleged pharmaceutical industry obstruction. [Read more »](#)

Feature

Court Docs Reveal Contours Of Next Net Neutrality Round

Net neutrality supporters are poised to challenge the current FCC's internet deregulation using prongs that recall past court cases and throw some of the agency's own arguments back in its face. Here's an early look at where the case stands and what major



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Adams and Reese
Alston & Bird
Anderson Reynolds
Ashurst LLP
Baker Donelson
Baker McKenzie
Ballard Spahr
Bartlit Beck

net neutrality supporters are planning to say.
[Read more »](#)

17 AGs Blast HHS Rollback Of Nursing Home Protections

A coalition of 17 state attorneys general told the U.S. Department of Health and Human Services that its potential rollback of regulations for skilled nursing facilities will not only threaten the well-being of their residents, but also impede the investigation and prosecution of suspected crimes. [Read more »](#)

CFPB, Trade Groups Seek Payday Rule Delay, Suit Stay

The Consumer Financial Protection Bureau and two payday lender trade groups joined together Thursday in asking a Texas federal judge to both stay the groups' suit challenging the agency's so-called payday rule and postpone the rule's compliance date until after the case is finished. [Read more »](#)

Pension Safety Net Likely To Go Under By 2026, Agency Says

The chances that the Pension Benefit Guaranty Corp.'s multiemployer insurance program will remain solvent after the 2026 fiscal year are less than one percent, the agency said Thursday, yet its single-employer program is more likely to emerge from its deficit by fiscal year 2018 than previously projected. [Read more »](#)

Federal Worker Union Calls Foul On Trump 'Union Time' Order

The nation's largest federal-sector union sued the Trump administration Wednesday challenging a recent executive order that seeks to curtail the amount of paid time federal employees can use to conduct union business, saying it should be spiked for being unconstitutional. [Read more »](#)

ENERGY & ENVIRONMENTAL

Becker & Poliakoff
Blank Rome
Buckley Sandler
Cooper White
Covington & Burling
Cravath Swaine
Davis Polk
Davis Wright Tremaine
Dentons
Dorsey & Whitney
Drummond Woodsum
Eimer Stahl
Fee Smith
Fisher Phillips
Fox Rothschild
Hartline Dacus
Hughes Hubbard
Jenner & Block
Jones Day
Kilpatrick Townsend
Labaton Sucharow
Latham & Watkins
Lieff Cabraser
McDermott Will
McElroy Deutsch
McGuireWoods
Mette Evans
Morgan Lewis
O'Melveny & Myers
Obermayer Rebmann
Ogletree Deakins
Perkins Coie
Pillsbury Winthrop
Priddy Cutler
Seeger Weiss
Shook Hardy
Skadden
Snell & Wilmer

Sens. Ask EPA Watchdog To Probe Pruitt's Real Estate Search

A trio of Democratic senators on Thursday asked the U.S. Environmental Protection Agency's internal watchdog to look into whether Scott Pruitt, who leads the agency, flouted federal regulations by having one of his top aides help him hunt for housing. Read more »

States Say EPA Isn't Limiting Landfill Emissions Under Rule

A coalition of states including California, Pennsylvania and Illinois sued the U.S. Environmental Protection Agency in federal court on Thursday, alleging it has violated the Clean Air Act by failing to impose an Obama-era regulation limiting emissions from municipal landfills. Read more »

SC High Court Rejects Challenge To Water Use Law

The South Carolina Supreme Court on Wednesday upheld a 2010 state law that allows farms to use large amounts of water without obtaining a permit, handing a loss to property owners who argued the statute violated the state's obligation to protect aquatic resources. Read more »

HEALTH & LIFE SCIENCES

HHS Medicare Drug Reimbursement Cap Illegal, Suit Says

The White House Office of Management and Budget and the U.S. Department of Health and Human Services violated the separation of powers when they set a reimbursement cap on Medicare Part B drugs because the limit in effect altered the Medicare Act without congressional approval, an association of community cancer centers alleged Wednesday in D.C. federal court. Read more »

MEDIA & ENTERTAINMENT

Steptoe & Johnson LLP
Thornton Law Firm LLP
Walters Balido
Williams & Connolly
Womble Bond Dickinson

COMPANIES

AMP Ltd.
AT&T Inc.
Actuant Corporation
Amazon.com Inc.
American Bar Association
American Federation of Government Employees
Apple Inc.
Association for Accessible Medicines
Assurant Inc.
Bellicum Pharmaceuticals
Brinker International Inc.
City National Corporation
Community Financial Corp.
Elanco Animal Health Inc.
Eli Lilly and Company
Facebook
Freddie Mac
General Electric Capital Corp.
Google Inc.
Instagram Inc.
International Association of Privacy Professionals
Jive Software Inc.
Kaspersky Lab Ltd.
MGM Resorts International
Major League Baseball Inc.
Mallinckrodt PLC
Marketo Inc.
McGuireWoods Consulting LLC
MetLife Inc.

Leagues Fight Racetrack's Fee Bid After Sports Betting Ruling

Four professional sports leagues and the NCAA told a New Jersey federal court they shouldn't owe a racetrack \$3.4 million plus interest for launching yearslong litigation that blocked it from taking sports bets until a recent U.S Supreme Court decision, saying the temporary restraining order was warranted. [Read more »](#)

INSURANCE

UnitedHealth Can't Get Insurance Bid Info, Pa. Court Says

A Pennsylvania appeals court agreed Thursday that the state's open records law did not entitle UnitedHealthcare to documents detailing the scoring of bid proposals submitted by competitors, which the insurer requested to aid in a protest after the Department of Human Services rejected its bid. [Read more »](#)

EMPLOYMENT

Kentucky AG Takes Swing At Gov. In Pension Bill Suit

Kentucky's Democratic Attorney General Andy Beshear and two public employees' groups ripped into Republican Gov. Matthew Bevin's contention that they brought an illegitimate lawsuit over a controversial new law that trims public employees' pensions, telling a Kentucky state judge on Wednesday that Bevin is the one who carted questionable allegations to court. [Read more »](#)

CYBERSECURITY & PRIVACY

Analysis

What To Know About Complying With GDPR After May 25

While the long-awaited deadline for companies to get into step with the European Union's sweeping General Data Protection Regulation

Mexican American Legal Defense and Education Fund

Microsoft Corporation

Mohegan Sun

NFL Enterprises LLC

National Basketball Association

National Collegiate Athletic Association

National Hockey League

Netflix Inc.

Noble Energy, Inc.

Novartis AG

PhRMA

Public Knowledge

Royal Bank of Canada

Ruby Tuesday Inc.

Sinclair Broadcast Group, Inc.

State Farm

State Street Corp.

TechFreedom

The Boeing Company

The Cheesecake Factory Inc.

TransUnion LLC

Tribune Media Co.

Twitter Inc.

U.S. Chamber of Commerce

UnitedHealth Group Inc.

Verizon Communications

Warner Music Group Corp.

Waypoint Capital

Whirlpool Corporation

GOVERNMENT AGENCIES

Bureau of Citizenship and Immigration Services

Bureau of Indian Affairs

California Air Resources Board

Choctaw Nation of Oklahoma

Commodity Futures Trading Commission

has come and gone, companies need to think twice before becoming complacent or deciding that it's too late to fill in compliance gaps, attorneys say. [Read more »](#)

New EU Data Watchdog Backs 'Cookie Wall' Ban

A new European Union data protection watchdog has called for pending new privacy rules meant to bolster the General Data Protection Regulation to be expedited and to include an explicit ban on operators requiring users to agree to tracking cookies to access a website or service. [Read more »](#)

INTERNATIONAL TRADE

Trump's Latest Tariff Blitz Draws More Bipartisan Backlash

Top congressional lawmakers from both parties on Thursday managed to agree on one thing: The Trump administration's plans to slap double-digit tariffs on aluminum and steel imports from Canada, Mexico and the European Union is a bad idea. [Read more »](#)

Trump Brings Tariff Hammer Down On Allies As Tensions Rise

The Trump administration announced Thursday that it would move ahead with steel and aluminum duties against producers in Canada, Mexico and the European Union, inviting retaliation from its closest allies in an ever-escalating trade dispute. [Read more »](#)

TAX

Taxing Foreign Income Tough Issue For US States, Panel Says

How to tax foreign income is proving to be an especially thorny issue for states, with few questions resolved during state legislative sessions that began shortly after the federal tax overhaul, a panel of tax professionals said Thursday in Washington, D.C. [Read more »](#)

Commonwealth of Kentucky
Connecticut General Assembly
Consumer Financial Protection Bureau
Department of Commerce
European Commission
European Union
Executive Office of the President
Federal Communications Commission
Federal Deposit Insurance Corp.
Federal Reserve System
Federal Trade Commission
Food and Drug Administration
Government Accountability Office
Internal Revenue Service
Mashantucket Pequot Tribal Nation
Massachusetts Department of Revenue
Mohegan Tribe
National Labor Relations Board
National Telecommunications and Information Administration
New Jersey Legislature
Office of the Comptroller of the Currency
Pension Benefit Guaranty Corp.
Securities and Exchange Commission
South Carolina Department of Health & Environmental Control
U.S. Census Bureau
U.S. Copyright Office
U.S. Department of Health and Human Services
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of the Interior
U.S. Environmental Protection Agency

Gov.'s Office Interceded Before TCJA Passed, Staffer Says

The 20 percent pass-through deduction included in the federal tax overhaul would have applied to pre-adjusted gross income, if not for the intercession of a governor's office right before the law passed, a Senate staffer said Thursday in Washington, D.C. [Read more »](#)

NJ Senators Advance Bills To Expand Veterans' Tax Benefits

A New Jersey Senate panel on Thursday advanced legislation that would place a proposed constitutional amendment before Garden State voters about extending certain tax benefits to veterans and surviving spouses who live in continuing care retirement communities. [Read more »](#)

BANKRUPTCY

Unions Launch Bid To Dismantle Puerto Rico Fiscal Plan

Three labor unions are suing the U.S. and Puerto Rican governments in an attempt to tear up the island's federally imposed restructuring process, calling it an unconstitutional deprivation of rights that evokes the "badges and incidents of slavery." [Read more »](#)

IMMIGRATION

Immigration Bill Roundup: U Visas For Whistleblowers

Members of the 115th Congress have introduced bills that would prioritize some H-2B visas for states with low unemployment and set aside U visas for immigrants who act as whistleblowers on unlawful labor practices. [Read more »](#)

Census Citizenship Question Is Unconstitutional, Groups Say

Several labor and immigrant groups slammed the Trump administration in Maryland federal

U.S. House of Representatives

U.S. Immigration and Customs Enforcement

U.S. Senate

U.S. Supreme Court

World Trade Organization

court Thursday over the proposed inclusion of a citizenship question on the 2020 census, saying the measure is unconstitutional and harms the Latino and Asian-American communities. [Read more »](#)

NATIVE AMERICAN

BIA Says Mohegan-Conn. Gambling Deal Change Is In Effect

The Bureau of Indian Affairs is set to announce Friday that changes to the Mohegan tribe's gaming compact with the state of Connecticut are going into effect, but has yet to sign off on similar changes sought by the Mashantucket Pequot Tribal Nation to pursue a joint casino project in the state. [Read more »](#)

TELECOMMUNICATIONS

Agency Asks For Input On Bolstering Broadband Data Map

The National Telecommunications and Information Administration asked Wednesday for suggestions on how it can upgrade maps tracking broadband availability in accordance with a congressional mandate to improve efforts to bridge the so-called digital divide. [Read more »](#)

Broadcast Rules Get Drill-Down At DOJ Regulation Panel

A range of free-market, industry and antitrust interest groups pushed the U.S. Justice Department on Thursday to take a holistic view of the competitive effects of government action, including how markets are affected both by competition policy and by government decisions generally. [Read more »](#)

EXPERT ANALYSIS

Navigating NLRB's Continually Shifting Landscape

The National Labor Relations Board's recent decision in Long Beach Memorial Medical

Center — concerning whether certain employer work rules violate the National Labor Relations Act — and its recent return to a Republican majority following John Ring's confirmation as chairman demonstrate how shifts in board precedent and enforcement policy can leave employees and employers in a constant state of limbo, says Colin Wells of Davis Wright Tremaine LLP. [Read more »](#)

Twitter As Public Forum: The Limits Of The Trump Ruling

Until recently there has been little guidance on how U.S. Supreme Court precedent on public forums applies to an increasingly digital world. A New York federal court's decision last week regarding President Donald Trump's Twitter account is significant because it recognizes the way we talk now, says Lyrissa Lidsky, dean of the University of Missouri School of Law. [Read more »](#)

What The EU's Iran Sanctions 'Blocking' Means For Cos.

In response to the reimposed U.S. sanctions on Iran, the European Union is updating its law designed to block companies from complying with certain sanctions imposed by other countries. But whether European companies want to continue with or disengage from Iran-related activities, they may be caught between a rock and a hard place, say attorneys with Steptoe & Johnson LLP. [Read more »](#)

Why IRS Will Struggle To Respond To State SALT Cap Bypass

High-tax states are responding to the Tax Cuts and Jobs Act's state and local tax deduction cap by passing workaround laws and programs to protect their residents. It is now up to the IRS to show that these programs aren't eligible for a federal deduction — a challenging task as similar programs existed pre-TCJA in over 30 other states, say Rahda Mohan and Lai King Lam of McGuireWoods Consulting LLC. [Read more »](#)

LEGAL INDUSTRY

Feature

What Attys Need To Know Before Launching Side Businesses

When attorneys look to start separate side businesses, they and their firms may see a slew of potential headaches, but with careful consideration and consultation with their firms, they can ensure their legal work is protected. [Read more »](#)

Feature

When Jurors Are The Ones Asking Questions

What's a trial lawyer to do when they're done examining a witness and the jurors get a chance to lob their own queries at the stand? A judge pushing for this practice says it only aids the jurors, but attorneys say it might be a fix for a system that isn't broken. [Read more »](#)

Law360's Weekly Verdict: Legal Lions & Lambs

Jenner & Block secured a lion's win this week for Northwestern University when a federal judge dismissed a proposed class action against the university over its handling of workers' retirement savings, while Labaton Sucharow, Thornton Law Firm and Lieff Cabraser ended up legal lambs after a special master concluded they overstated their bill in a class action settlement and recommended they return a significant chunk of the \$75 million fee award. [Read more »](#)

The Top In-House Hires Of May

May's notable legal department hires included new general counsel at Novartis, the U.S. Chamber of Commerce, Fox News and the U.S. Copyright Office. [Read more »](#)

JOBS

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Washington DC, District of Columbia

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From: Public Policy Law360
Sent: Monday, June 4, 2018 3:56 AM
To: Rep48
Subject: Trump Subverts FERC With Coal, Nuke Plant Bailout Order



Monday, June 4, 2018



TOP NEWS

Analysis

Trump Subverts FERC With Coal, Nuke Plant Bailout Order

President Donald Trump on Friday ordered Energy Secretary Rick Perry to take immediate steps to prop up struggling coal and nuclear power plants, a move experts say will not only unleash an avalanche of legal challenges but could also undermine the Federal Energy Regulatory Commission's authority over the nation's electric grid. [Read more »](#)

As Piwowar Exits, Trump Taps Ex-Milbank Atty For SEC

After U.S. Securities and Exchange Commission member Michael Piwowar announced last month that he'd be out by July, President Donald Trump nominated a former Milbank Tweed Hadley & McCloy LLP corporate and securities law attorney to a commission slot Friday. [Read more »](#)

Trump To Nominate Williams & Connolly Alum As FCC Commish

President Donald Trump intends to nominate Geoffrey Starks as the next Democratic FCC commissioner to fill the role recently vacated by Mignon Clyburn, according to a White



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LAW FIRMS

Alston & Bird
Andrus Anderson
Arnold & Porter
Babst Calland
Baker Donelson
BakerHostetler
Ballard Spahr
Best Best & Krieger

House announcement Friday evening. Read more »

HHS To Delay Drug Pricing Rule To July 2019

A subagency of the U.S. Department of Health and Human Services is delaying a rule establishing ceiling prices on outpatient drugs under the 340B Drug Pricing Program and fines for violating manufacturers after finding it needs more time to reconsider certain details and that companies need time to adjust, according to a filing in the Federal Register on Friday. Read more »

DOJ Launches Global Antitrust Enforcement Framework

The U.S. Department of Justice hopes to standardize aspects of international antitrust enforcement through a voluntary framework set to launch next week, Makan Delrahim, assistant attorney general for the DOJ's Antitrust Division, said Friday. Read more »

11th Circ. Modifies CSX's Sales Tax Win, Again

The Eleventh Circuit on Thursday modified its opinion that Alabama taxes discriminate against rail carriers for a second time, to more closely reflect statutory language after state attorneys revealed that the Alabama Revenue Department has applied the language inconsistently in the past. Read more »

BANKING & SECURITIES

SEC Delays Action On NYSE Bid To Ease Blank Check Rules

The U.S. Securities and Exchange Commission on Thursday postponed deciding on a New York Stock Exchange proposal to ease listing rules for blank check companies, which are increasingly popular vehicles that conduct initial public offerings strictly to fund

Blank Rome
Bryan Cave
Buchalter PC
Cahill Gordon
Choate
Cozen O'Connor
Cravath Swaine
Culhane Meadows
DLA Piper
Dickstein Shapiro
Duane Morris
Fish & Richardson
Gibson Dunn
Greenberg Traurig
Hinshaw & Culbertson
Hogan Lovells
Jenner & Block
Jones Day
Kelley Drye
Kelly Hart
Kiesel Law
Kirkland & Ellis
Latham & Watkins
Manatt Phelps
McCormick Law Firm
McLaughlin & Stern
Milbank Tweed
Morgan Lewis
Morrison & Foerster
Nixon Peabody
O'Melveny & Myers
Olivares
Paul Hastings
Paul Weiss
Pepper Hamilton
Perkins Coie
Pietragallo Gordon
Post & Schell

acquisitions, saying it needs more time to consider the matter. [Read more »](#)

ENERGY & ENVIRONMENTAL

EPA Must Cough Up Info On Pruitt's Climate Change Comment

A D.C. federal judge ruled Friday that the U.S. Environmental Protection Agency must fork over records underlying Administrator Scott Pruitt's statement on CNBC that carbon dioxide created by human activity is not a "primary contributor" to climate change, blasting its "excuses" for not giving them to an environmental group yet. [Read more »](#)

17 Govs. Reaffirm GHG Goals 1 Year After Trump's Paris Vow

A year after President Donald Trump announced he was reversing his predecessor's commitment to the Paris Agreement aimed at lowering climate change-causing greenhouse gas emissions, a coalition of 17 governors reaffirmed on Friday that they wanted to push toward the deal's goals anyway. [Read more »](#)

Pa. Justices Won't OK Drilling In Town's Residential Area

Pennsylvania's highest court on Friday found that a hydraulic fracturing operation that a Lycoming County municipality agreed to allow in a residential and agricultural zoning district was incompatible with land uses permitted in the area. [Read more »](#)

Pa. Justices Largely Preserve Fracking Rule Injunction

The Pennsylvania Supreme Court on Friday largely preserved a preliminary injunction won by an industry group that bars state environmental regulators from beginning to enforce controversial new rules governing hydraulic fracturing operations. [Read more »](#)

HEALTH & LIFE SCIENCES

Quinn Emanuel
Ropes & Gray
Scheper Kim
Selendy & Gay
Selman Breitman
Skadden
Smith Gambrell
Steptoe & Johnson LLP
Stoel Rives
Sullivan & Cromwell
Weil Gotshal
Williams & Connolly
WilmerHale
Wilson Elser

COMPANIES

AT&T Inc.
Aerospace Industries Association
American Bar Association
American Civil Liberties Union
American Immigration Council
American Immigration Lawyers Association
CSX Corporation
Catholic Legal Immigration Network Inc.
Chevron Corporation
Chipotle Mexican Grill, Inc.
Community Financial Corp.
Council on Foreign Relations
Digital Realty Trust Inc.
Domino's Pizza Inc.
Electronic Frontier Foundation
Environmental Defense Fund Inc.
Epic Systems Corp.
Equifax Inc.
Facebook
Fordham University
Gallup Inc.

NJ Enacts Law Targeting 'Surprise' Medical Bills

New Jersey Gov. Phil Murphy on Friday signed into law a Democrat-backed measure to ease the burden of health care costs by, among other things, requiring health care providers and insurers to provide consumers advance notice when a provider is out-of-network. [Read more »](#)

TRANSPORTATION & INFRASTRUCTURE

Calif. OKs Self-Driving Cars For Passenger Pickups

California regulators on Thursday allowed self-driving cars to pick up ride-share passengers for the first time in the Golden State. [Read more »](#)

COMPETITION

DOJ Antitrust Deputy Touts Vertical Merger Bargaining Models

The U.S. Department of Justice Antitrust Division's chief economist said Friday at a conference at New York University's Stern School of Business that newer economic models that chart the bargaining power of merging companies help to find harm in vertical deals that older models missed. [Read more »](#)

Common Ownership Not An Antitrust Problem: FTC Commish

Newly minted Federal Trade Commissioner Noah Joshua Phillips said Friday at a conference on antitrust economics that he does not believe there is enough evidence to warrant a policy shift over worries that the common ownership of stakes in competing companies by institutional investors creates an antitrust problem. [Read more »](#)

CYBERSECURITY & PRIVACY

Garden City Group Inc.
Goldman Sachs Group Inc.
H&M
HCP, Inc.
Human Rights Campaign
Immigrant Legal Resource Center
Instagram Inc.
International Association of Privacy Professionals
Lockheed Martin
Mexican American Legal Defense and Education Fund
Microsoft Corporation
NASDAQ OMX Group Inc.
NYSE Holdings LLC
National Association of Broadcasters
National Collegiate Athletic Association
National Consumer Law Center
National Immigration Law Center
New York Times Co.
New York University
Oxford University Press Ltd.
PJM Interconnection LLC
Securus Technologies Inc.
State Street Corp.
Steven Madden Ltd.
Texas RioGrande Legal Aid Inc.
The DIRECTV Group, Inc.
Time Warner Inc.
Twitter Inc.

GOVERNMENT AGENCIES

Alabama Department of Revenue
Bureau of Citizenship and Immigration Services
Bureau of Indian Affairs
Bureau of Labor Statistics
Cabazon Band of Mission Indians

Colo. Enacts 'Groundbreaking' Data Breach Disclosure Law

Businesses in Colorado will soon face one of America's strictest data breach notification laws, including a requirement that they alert customers within 30 days of possible exposure of private data, part of newly enacted legislation some privacy attorneys are calling "groundbreaking." [Read more »](#)

Advocates Decry Social Media Surveillance Of Visa Applicants

Nearly 50 advocacy organizations urged the U.S. Department of State to reject proposed changes to nonimmigrant and immigrant visa application forms that would allow the agency to collect social media information, arguing that they would undermine free speech rights and encourage discrimination based on national origin. [Read more »](#)

Civil Rights Orgs Urge NSA To Release Call Detail Records

Two dozen civil liberties groups have asked that U.S. authorities provide a breakdown of the more than 540 million phone records collected by the National Security Agency last year, citing transparency rules in a 2015 law that scaled back the government's ability to collect American phone records in bulk. [Read more »](#)

AEROSPACE & DEFENSE

Aerospace Group Lays Out Arms Export Overhaul Proposals

The Aerospace Industries Association in a letter made public Friday urged U.S. Secretary of State Mike Pompeo to overhaul the process for defense exports, laying out a proposed plan for improvement while arguing the current process hurts U.S. competitiveness. [Read more »](#)

IMMIGRATION

California Public Utilities Commission
California State Transportation Agency
Cherokee Nation
Consumer Financial Protection Bureau
Equal Employment Opportunity Commission
European Union
Executive Office of the President
Federal Acquisition Regulatory Council
Federal Bureau of Investigation
Federal Communications Commission
Federal Energy Regulatory Commission
Federal Trade Commission
Food and Drug Administration
Government Accountability Office
Health Resources and Services Administration
Kickapoo Traditional Tribe of Texas
National Institute of Standards and Technology
National Labor Relations Board
National Security Agency
National Security Council
Navajo Nation
New York State Assembly
Office of the Director of National Intelligence
Organization of American States
Pennsylvania Supreme Court
Securities and Exchange Commission
U.S. Attorney's Office
U.S. Department of Defense

Trans Immigrant Asks Justices To Review Name Change Law

A transgender immigrant man lawfully living in Indiana asked the U.S. Supreme Court on Thursday to review a Seventh Circuit decision holding that he cannot sue Indiana officials in federal court over a state law requiring name change applicants to prove their U.S. citizenship. [Read more »](#)

NY Assembly Introduces Bill To Protect Immigrants At Courts

A bill introduced Thursday in the New York State Assembly would bar immigration officers from being able to make civil arrests at state courthouses if they did not possess a court order or a judicial arrest warrant. [Read more »](#)

Rights Panel Urged To Take On Family Separations At Border

Immigration advocates urged the Inter-American Commission on Human Rights on Thursday to submit requests for the Trump administration to cease separating children from their families at the United States-Mexico border, filing a complaint on behalf of five parents. [Read more »](#)

NATIVE AMERICAN

Navajo Can't Take Part In Indian Child Welfare Act Challenge

A Texas federal judge on Friday declined the Navajo Nation's request to intervene in a suit brought by Texas and some foster families challenging the Indian Child Welfare Act, deciding that the tribe's interests were already represented by other tribes and the federal government. [Read more »](#)

TELECOMMUNICATIONS

Fla. Plan Swaps Prison Visits For Video Chats, Groups Say

Inmate rights groups are pushing back against a proposal by the Florida Department of

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of State

U.S. Department of the Interior

U.S. Environmental Protection Agency

U.S. House of Representatives

U.S. Immigration and Customs Enforcement

U.S. Senate

U.S. Supreme Court

World Trade Organization

Corrections that would slash weekend visiting hours and encourage families to use pricey video chat services instead. [Read more »](#)

FCC's Small Cell Review Exemptions Pass Muster, GAO Says

The Government Accountability Office has signed off on a recent Federal Communications Commission rule exempting small cell fixtures, necessary for building up next-generation or 5G networks, from environmental and historic reviews. [Read more »](#)

Startup Asks FCC To Make Rules For Internet Airships

A startup that wants to beam the next generation of mobile internet service down from airships hovering miles in the sky has asked the Federal Communications Commission to start writing the rules on how it would regulate such technology, arguing it could solve future demand for 5G. [Read more »](#)

WHITE COLLAR

Whistleblower Allegedly Filed Doc Mocking Hastert Atty

Counsel for former U.S. Speaker Dennis Hastert told an Illinois federal judge on Thursday a would-be whistleblower who accused Hastert of misusing federal funds filed documents with the court in which he secretly altered Hastert's attorney Christian Poland's name to "Christina." [Read more »](#)

Pa. High Court Drops Ex-Lawmaker's Appeal Of Conviction

The Pennsylvania Supreme Court on Friday changed its mind about its decision to hear an appeal by a convicted former Legislature leader who claims that his attorney botched his defense by failing to preserve testimony from a group of witnesses. [Read more »](#)

EXPERT ANALYSIS

A Closer Look At New Federal 'Right To Try' Law

Recently signed into law by the president, the federal Right to Try Act creates a framework for patients to access investigational new drug products. But it comes in the wake of a majority of states passing their own "right to try" laws, creating the potential for a conflict between state laws, the U.S. Food and Drug Administration's expanded access regulations and federal statutes, say attorneys with Morgan Lewis & Bockius LLP. [Read more »](#)

Still Looking For Clarity In DOD Information Security Rule

The U.S. Department of Defense recently issued guidance on its information safeguarding rule, but many believe the rule remains as clear as mud. There are some steps contractors can take to protect themselves from the unknown, say Jeniffer De Jesus Roberts and Katherine Veeder of Alston & Bird LLP. [Read more »](#)

2 Gambling Issues That May Change After Sports Bet Ruling

The U.S. Supreme Court's decision in Murphy is just the latest flip in America's roller-coaster treatment of gambling. This particular twist is likely to impact directly the fortunes of two groups somewhat improbably linked by their relationship to gambling — Native American tribes and the tiny Caribbean nation of Antigua and Barbuda, says David Jacoby of Culhane Meadows PLLC. [Read more »](#)

Series

Judging A Book: Wallach Reviews 'Uncivil Warriors'

"Uncivil Warriors: The Lawyers' Civil War," by Peter Hoffer, is a new book about the involvement of lawyers on both sides in the American Civil War. The discussion is enlightening and often fascinating, but falls

short in several key areas, says Federal Circuit Judge Evan Wallach. [Read more »](#)

LEGAL INDUSTRY

Feature

LGBT Pride: Weighing The State Of Equality In The Law

Every June, rainbow flags decorate storefronts and apparel across the U.S. in celebration of LGBT Pride Month. As the anniversary of the U.S. Supreme Court's trio of landmark LGBT rights rulings approaches, LGBT attorneys and legal industry leaders spoke with Law360 and shared what they think the industry does well and what it can do better for those within its ranks. [Read more ½ B](#)

Breyer Urges Law School Grads To Defend Rule Of Law

U.S. Supreme Court Justice Stephen Breyer exhorted a class of New York Law School graduates at their commencement ceremony Friday afternoon to remain engaged in public life and to dedicate themselves to upholding faith in the rule of law, both for themselves and for myriad Americans who were not trained as lawyers. [Read more »](#)

Step toe Pay Bias Suit Headed To Arbitrator Post-Epic

A California federal judge dismissed a former Step toe & Johnson LLP associate's proposed pay equity class action against the firm on Thursday, after she and the firm agreed she must arbitrate her claims in light of the U.S. Supreme Court's recent decision allowing class action waivers in the workplace. [Read more »](#)

Duane Morris, Hinshaw Partners Tapped For Calif. Bench

California Democratic Gov. Jerry Brown on Friday announced 21 appointments to trial courts across the state, including a Duane Morris LLP partner with experience litigating

technology, construction and insurance disputes, and a legal malpractice expert from Hinshaw & Culbertson LLP. [Read more »](#)

Legal Jobs Slump In May As Sluggish 2018 Continues

The legal services sector's employment struggles in 2018 continued into May, losing 200 jobs despite generally positive results for the nation's situation as a whole, the U.S. Bureau of Labor Statistics reported Friday. [Read more »](#)

Feature

In Remote Immigrant Detention Centers, It's Pro Bono Or Bust

Absent a universal right to counsel, the availability of legal representation for noncitizens in immigration proceedings has hit a crisis point nationwide, but none are worse off than individuals detained in remote facilities. [Read more »](#)

Feature

GC Cheat Sheet: The Hottest Corporate News Of The Week

Attorneys said companies need to think twice before deciding it's too late to fill in compliance gaps for the European Union's sweeping General Data Protection Regulation, the Consumer Financial Protection Bureau and two payday lender trade groups joined together to ask a Texas federal judge to stay the groups' suit challenging the agency's so-called payday rule, and Law360 asked female attorneys what gender parity looks like in the legal industry. These are some of the stories in corporate legal news you may have missed in the past week. [Read more »](#)

In Case You Missed It: Hottest Firms And Stories On Law360

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week. [Read more »](#)

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From: Public Policy Law360
Sent: Thursday, June 7, 2018 5:34 AM
To: Rep48
Subject: Justices Urged To Patch Split Over Chevron 'Silence'



PUBLIC POLICY

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Thursday, June 7, 2018



TOP NEWS

Justices Urged To Patch Split Over Chevron 'Silence'

A group of California commercial fishing organizations quarreling with the federal government over threatened sea otters have asked the U.S. Supreme Court to resolve a question of "tremendous practical and legal consequences" under the Chevron deference doctrine, seizing on recent efforts to weaken the pro-government legal rule. [Read more »](#)

Senate OKs Trump's Alabama District Judge Pick

The Senate confirmed President Donald Trump's 42nd judicial nominee on an 83-11 vote Wednesday, sending Annemarie Carney Axon to the federal bench in the Northern District of Alabama. [Read more »](#)

Senate Panel Advances Buchanan Ingersoll Vet For 3rd Circ.



[Listen to our new podcast here](#)

LAW FIRMS

Alston & Bird

Arnold & Porter

The Senate Judiciary Committee pushed forward with the Third Circuit nomination of Buchanan Ingersoll & Rooney PC shareholder David J. Porter, holding a confirmation hearing Wednesday despite Democrats' criticisms of his record and lack of home-state support. [Read more »](#)

Auto Safety Groups Lose Bid To Force DOT Seat Belt Rule

The D.C. Circuit on Tuesday rejected a bid by auto safety groups to force the U.S. Department of Transportation to immediately publish a proposed safety standard requiring automobile warnings when backseat passengers don't buckle up. [Read more »](#)

CFPB To Dissolve Consumer Advisory Board, 2 Other Groups

The Consumer Financial Protection Bureau told members of its consumer advisory board on Wednesday that it's letting them go, two days after some board members accused the agency's acting director, Mick Mulvaney, of trying to sideline the statutorily-required group. [Read more »](#)

Analysis

Trump's Steel Tariffs May Worsen Permian Pipeline Crunch

President Donald Trump's decision to move ahead with sweeping steel tariffs could further tighten the current pipeline logjam in the oil-rich Permian Basin of West Texas, making it tougher for producers to get their oil and gas out of the ground and into the market, experts say. [Read more »](#)

BANKING & SECURITIES

Nasdaq Withdraws Proposal To Ease SPAC Listing Rules

Nasdaq Stock Market has withdrawn a proposal to ease its listing rules for special purpose acquisition companies, which are increasingly popular vehicles that conduct

Baker Donelson
BakerHostetler
Barack Ferrazzano
Berry Appleman
Buchanan Ingersoll
Cadwalader Wickersham
Cahill Gordon
Casillas Santiago
Clark Hill
Copilevitz & Canter
Cravath Swaine
Davis Polk
Dechert
Dickinson Wright
Foley & Lardner
Fragomen Del Rey
Frost Brown Todd
Gibson Dunn
Goodwin
Harman Claytor
Harris Wiltshire
Haynes and Boone
Hogan Lovells
Hueston Hennigan
Hunton Andrews Kurth
Jenner & Block
Jomarron Lopez
King & Spalding
Klee Tuchin
Levy Ratner
Lexington Law Group
Meyer Glitzenstein
Milbank Tweed
Morgan Lewis
O'Melveny & Myers
Paul Hastings
Paul Weiss
Proskauer Rose

initial public offerings to fund acquisitions, the U.S. Securities and Exchange Commission said on Tuesday. [Read more »](#)

ENERGY & ENVIRONMENTAL

Calif. Court Affirms State Rule For Lead Discharge Levels

A California appeals court on Tuesday affirmed a state agency's rule determining the maximum amount of lead that companies can discharge into potential drinking water, declining to rescind a clause setting minimal lead levels after finding the guideline was consistent with federal research. [Read more »](#)

National Park Infrastructure Projects Score \$256M In Funding

The U.S. Department of the Interior on Wednesday unveiled \$256 million worth of construction projects and other payments designed to help the National Park Service overhaul and improve its aging infrastructure. [Read more »](#)

Enviros Seek Plastic Bag Ban And Fees In New York

Environmental advocates said they delivered a petition to Democratic Gov. Andrew Cuomo's office on Wednesday advocating a version of a plastic bag ban that would include fees that are absent from the proposal put forward in April by the governor's office. [Read more »](#)

Pa. House OKs New Conventional Drilling Rule Framework

A divided Pennsylvania House of Representatives has given its approval to a bill that critics say would roll back key environmental regulations on conventional oil and gas operations in the state. [Read more »](#)

Group Prods Gov't To Boost Killer Whales' Protected Habitat

The Center for Biological Diversity on Wednesday accused the National Marine

Quinn Emanuel
Reichard & Escalera
Robbins Russell
Simpson Thacher
Strasburger & Price
Thompson & Knight
Troutman Sanders
Wallace Jordan
Willkie Farr
WilmerHale
Winstead PC
Winston & Strawn

COMPANIES

AARP Inc.
AT&T Inc.
Amazon.com Inc.
American Cable Association
American Civil Liberties Union
American Council of Life Insurers
California Farm Bureau Federation
Center for Biological Diversity Inc.
Chevron Corporation
Comcast Corporation
Communications Workers of America
Deloitte Touche
Economists Incorporated
Electronic Privacy Information Center
Ernst & Young
Facebook
Federation Internationale de Football Association
GSM Association
Google Inc.
Huawei Technologies
KPMG International
Make the Road New York

Fisheries Service of flouting federal law by dragging its feet on boosting protected habitat off the West Coast for the endangered Southern Resident killer whale, of which only 76 remain. [Read more »](#)

MEDIA & ENTERTAINMENT

'Reckoning' For Antitrust As Comcast-NBCU Conditions End

U.S. antitrust enforcement is nearing a "moment of reckoning," Sen. Richard Blumenthal said Wednesday as he looked to the expiration, in a matter of months, of conditions placed on Comcast's acquisition of NBCUniversal, conditions the Connecticut Democrat has said may need to be extended. [Read more »](#)

INSURANCE

Insurers Ask 5th Circ. To Definitively End Fiduciary Rule

A collection of insurance industry groups asked the Fifth Circuit on Wednesday to issue a mandate ordering the U.S. Department of Labor to strike down its fiduciary rule, which requires retirement advisers to act in clients' best interest, in the wake of the court's March decision to invalidate the rule. [Read more »](#)

EMPLOYMENT

New NLRB Chair Plans To Restore 'Balance' To Board

The National Labor Relations Board has "in recent years" cost workers jobs in its zeal to protect their rights, new board Chairman John Ring said Wednesday at a discussion in Manhattan. [Read more »](#)

Va. School Board Can File Quick Appeal In Trans Bias Case

A Virginia school board can ask the Fourth Circuit to consider whether Title IX covers discrimination based on gender identity, a

Miller Buckfire & Co. LLC
NASDAQ OMX Group Inc.
NBCUniversal Inc.
National Collegiate Athletic Association
National Consumer Law Center
New York Immigration Coalition
Pacific Legal Foundation
Plains All American Pipeline, L.P.
PricewaterhouseCoopers
Public Knowledge
Ralph Lauren Corp.
SIFMA
Sierra Club
Skype Technologies SA
TSR Inc.
The Center for Auto Safety
Trafigura Group Pte Ltd.
U.S. Chamber of Commerce
Verizon Communications
Wayfair LLC
Wells Fargo & Co.
ZTE Corp.
Zeughauser Group LLC
beIN Media Group LLC

GOVERNMENT AGENCIES

Bureau of Citizenship and Immigration Services
California Environmental Protection Agency
Committee on Foreign Investment in the United States
Consumer Financial Protection Bureau
Department of Commerce
Energy Information Administration
European Commission
European Union
Executive Office of the President

federal judge ruled Tuesday, marking the latest twist in a transgender high school graduate's discrimination case that has previously made its way to the U.S. Supreme Court. [Read more »](#)

CYBERSECURITY & PRIVACY

FTC Head Promises 'Vigorous' Protection Of Consumer Data

Recently confirmed Federal Trade Commission member Rohit Chopra said in D.C. on Wednesday he intends for the agency to "vigorously enforce" privacy protections under his watch, saying the United States has fallen behind on consumer data protection. [Read more »](#)

AEROSPACE & DEFENSE

Senate Begins Debate On \$716B Defense Bill For 2019

The U.S. Senate on Wednesday kicked off a debate on its \$715.9 billion version of the sweeping 2019 defense authorization bill, legislation that includes a focus on emerging technologies, a planned makeover for the U.S. Department of Defense's promotion system and other policy provisions. [Read more »](#)

Navy Told To Fix Shipbuilding Process As Expansion Looms

The U.S. Navy could stand to make improvements to its shipbuilding programs as it plans its biggest fleet increase in more than three decades, the U.S. Government Accountability Office said Wednesday, noting that the operation has faced consistent shortcomings over the last 10 years. [Read more »](#)

INTERNATIONAL TRADE

EU Retaliatory Duties On US Goods Slated To Hit In July

Federal Communications Commission
Federal Energy Regulatory Commission
Federal Trade Commission
Fish and Wildlife Service
Government Accountability Office
Internal Revenue Service
Kentucky Department of Revenue
NAFTA
National Highway Traffic Safety Administration
National Labor Relations Board
National Marine Fisheries Service
National Park Service
New York State Department of Financial Services
Occupational Safety and Health Administration
Pueblo of Laguna of New Mexico
Securities and Exchange Commission
Tennessee Valley Authority
U.S. Census Bureau
U.S. Department of Defense
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of Transportation
U.S. Department of the Interior
U.S. Department of the Treasury
U.S. House of Representatives
U.S. Immigration and Customs Enforcement
U.S. Navy
U.S. Senate
U.S. Supreme Court
United States District Court for the Eastern District of Pennsylvania
United States District Court for the Southern District of New York

The European Union announced Wednesday that its duties on more than \$3 billion worth of U.S. goods will take effect in July as Brussels retaliates against the Trump administration's steel and aluminum restrictions with a 25 percent levy on U.S. metals, vehicles, food products and scores of other items. [Read more »](#)

Canada, EU Join WTO Dogpile Against US Metal Duties

Major U.S. trading partners continued their campaign against the Trump administration's national security-based steel and aluminum tariffs on Wednesday, with both Canada and the European Union filing new World Trade Organization cases alleging that the duties flout global trade rules. [Read more »](#)

TAX

GOP Lawmaker Dismisses EU's Criticisms Of TCJA

The U.S. Congress has no intention of changing the federal tax overhaul legislation despite criticisms from foreign officials that the new law may violate World Trade Organization policies, a Republican lawmaker on the House Ways and Means Committee said Wednesday at a conference in Washington, D.C. [Read more »](#)

Calif. Bill To Dodge SALT Deduction Cap Gets Makeover

A California state senator on Monday made changes to a signature bill meant to encourage charitable donations and help state taxpayers skirt a new federal law that caps state and local tax deductions at \$10,000. [Read more »](#)

OMB III-Prepared To Oversee Tax Guidance, Economist Says

The Office of Management and Budget doesn't have the resources to effectively oversee tax regulations issued by the U.S. Treasury Department, despite an agreement reached

World Trade Organization

this year expanding its oversight capacity, an economist at the Brookings Institution said Wednesday at a conference in Washington, D.C. [Read more »](#)

BANKRUPTCY

Agreement Reached In Puerto Rico Sales Tax Revenue Fight

A long and contentious battle between municipal bondholders and other creditors over claims to more than \$17 billion in pledged Puerto Rico sales tax collections may have reached an end, as representatives for the warring groups filed court papers Tuesday saying they have come to an agreement in principle. [Read more »](#)

IMMIGRATION

Analysis

Attys Brace For Potential Slash Of TN Visas In NAFTA Talks

While President Donald Trump proceeds with rocky negotiations over the North American Free Trade Agreement, attorneys are preparing for the possibility that one of the treaty's key visa programs might be on the chopping block. Here, Law360 looks at how attorneys are advising clients amid the uncertainty. [Read more »](#)

Trump Hit With New Suit Over Census Citizenship Question

The Trump administration on Wednesday was hit with another lawsuit challenging its decision to add a question to the 2020 census asking whether individuals are U.S. citizens, with several immigration organizations contending in New York federal court that the inclusion will depress participation among minorities. [Read more »](#)

Philly Lands Win In DOJ Immigration Fight Over Grant Funds

A Pennsylvania federal judge on Wednesday sided with the city of Philadelphia in its bid to keep U.S. Attorney General Jeff Sessions from withholding critical federal funding unless the city agreed to cooperate with immigration officials. [Read more »](#)

NATIVE AMERICAN

NM's Haaland Poised To Be First Native Woman In Congress

Pueblo of Laguna member Deb Haaland said Wednesday she is happy with her margin of victory in Tuesday's Democratic primary for New Mexico's First Congressional District, and hopes a win in the general election this fall — which would make her the first Native American woman in Congress — will spur other Native women to run. [Read more »](#)

TELECOMMUNICATIONS

EU Updating Telecom Rules With Eye To 5G

European Union leaders unveiled a deal Wednesday to update the bloc's telecommunications rules as they ready for the next generation of smartphone networks, an update aimed at boosting network investments in part by coordinating spectrum assignments and syncing regulation. [Read more »](#)

Google Tells FCC Streamlined Broadband Installation Is Safe

Google Inc. has hit back against suggestions that its preferred procedures for installing new broadband infrastructure are causing contractors to make dangerous mistakes, telling the Federal Communications Commission that the techniques are faster and safer for utility workers if followed correctly. [Read more »](#)

Group Asks DC Circ. To Rehear FTC Soundboard Call Rule

A telemarketing industry group urged the full D.C. Circuit to rehear its suit against the Federal Trade Commission, arguing Tuesday that a panel decision against them imperiled their industry and left them without an avenue for court review. [Read more »](#)

EXPERT ANALYSIS

Series

Masterpiece Cakeshop: Core Questions Left For Another Day

In its majority opinion Monday in *Masterpiece Cakeshop v. Colorado Civil Rights Commission*, the U.S. Supreme Court did not attempt to decide between free exercise of religion and speech or civil rights for gay Americans. Instead, it decided the case on grounds that are so narrow and case-specific that they are hardly useful as precedent, says Christina Crozier of Haynes and Boone LLP. [Read more »](#)

An Update On CFIUS Reform

After six months of wrangling over the fate of a proposal to modernize the Committee on Foreign Investment in the United States, the U.S. Congress appears primed to streamline the CFIUS review process. As it currently stands, the proposed legislation would alter the process in many critical respects, say attorneys with Gibson Dunn & Crutcher LLP. [Read more »](#)

How Kentucky Changed Its Nearly 100-Year-Old Tax Structure

Kentucky's 2018 regular session of the General Assembly brought sweeping changes to an overall tax structure that had been largely untouched over the last century, Mark Sommer and Rowan Reid of Frost Brown Todd LLC discuss what changed and what stayed the same. [Read more »](#)

NY Reg 187 Amendment May Not Be In Anyone's Best Interest

The New York State Department of Financial Services has proposed an updated first amendment to its Regulation 187, imposing a "best interest" rule on life insurers and producers licensed in New York. However, the updated amendment may be difficult to enforce and could subject Regulation 187 to certain legal challenges, say attorneys at Alston & Bird LLP. [Read more »](#)

LEGAL INDUSTRY

Simpson Thacher Joins Firms Raising Associate Salaries

Simpson Thacher & Bartlett LLP and Chicago-based boutique law firm Barack Ferrazzano Kirschbaum & Nagelberg LLP on Wednesday joined a handful of other firms that this week that announced plans to raise associate pay following Milbank Tweed Hadley & McCloy LLP's lead on Monday. [Read more »](#)

Troutman Sanders, Winstead Are Eyeing A Tie-Up

Troutman Sanders LLP and Winstead PC held discussions earlier this year on a potential merger, four sources with knowledge of the conversations told Law360 on Wednesday, the latest indication that law firms remain eager to expand into Texas. [Read more »](#)

Feature

Why BigLaw Loves Mob Prosecutors

Want a top post at a large law firm? Experts say building cases against the mafia is the perfect training ground. [Read more »](#)

Analysis

Calif. Judge's Ouster May Presage More Recall Bids

The decision by voters in a California county to oust a judge who gave a light sentence to Stanford University swimmer Brock Turner for a felony sex assault may encourage similar campaigns against sitting judges in the state

and elsewhere who hand down controversial decisions, experts say. [Read more »](#)

Deloitte To Buy 8 Int'l Offices From Immigration Law Firm

Deloitte intends to acquire the non-U.S. business of immigration law firm Berry Appleman & Leiden LLP, the accounting giant said Wednesday, adding eight offices and 170 professionals specializing in immigration law around the globe. [Read more »](#)

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PUBLIC POLICY

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A new way for tax specialists to get the news, insight, and updates they need to stay ahead of the curve.

Wednesday, June 13, 2018



TOP NEWS

AT&T, Time Warner Merger Cleared, DOJ Warned Against Stay

AT&T can complete its \$85 billion purchase of Time Warner in a major transformation of the pay-TV landscape, a D.C. federal judge ruled Tuesday, rejecting U.S. Department of Justice efforts to block the merger and warning that blocking it pending appeal would be an "injustice." [Read more »](#)

The Big Picture: DOJ Fails To Halt AT&T's Time Warner Deal

A D.C. federal judge has rejected the U.S. Department of Justice's arguments that AT&T's planned purchase of Time Warner would hurt competition and drive up consumer costs, dealing a major blow to the government's first court challenge of a vertical merger in decades. Here, Law360 looks at how we got here, the key issues and highlights of the case. [Read more »](#)



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LAW FIRMS

Ballard Spahr

Barnes & Thornburg

Defense Bill Stymied By Trade, Military Authority Riders

Disputes over trade and other policy amendments have snarled the path forward for the sweeping \$715 billion defense authorization bill in the Senate this week, as senators engaged in procedural struggles over which of them would be able to add to the legislation. [Read more »](#)

FERC Commissioners Deny Necessity Of Coal, Nuke Bailout

Federal Energy Regulatory Commission members said Tuesday that there are no current national security-related grid threats that warrant propping up struggling coal and nuclear power plants, a position that puts them at odds with the Trump administration and its calls for such a bailout. [Read more »](#)

EU Lawmakers Call For End To 'Privacy Shield' Pact By Sept.

A top European parliamentary committee called on officials to suspend the trans-Atlantic Privacy Shield data transfer pact unless the U.S. is able to fully meet its data protection obligations by September, saying that recent revelations about Facebook's privacy practices exacerbated prior concerns with the deal. [Read more »](#)

Interview

EU Will Continue Fight For Digital Tax, Moscovici Says

The European Union will continue its efforts to tax the world's largest digital companies despite key countries' reservations about the proposal and concerns that it could hurt the EU's competitiveness, the European Commission's top tax official, Pierre Moscovici, said in an exclusive interview with Law360. [Read more »](#)

DC Circ. Backs FERC Changes To PJM Grid Payment Plan

Boies Schiller
Brach Eichler
Cadwalader Wickersham
Casellas Alcover
Casillas Santiago
Clinton & Clinton
Constantine Cannon
Cravath Swaine
Crowe & Dunlevy
Debevoise & Plimpton
Earthjustice
Faegre Baker
Gibson Dunn
Giordano Halleran
Glaser Weil
Gusrae Kaplan
Holwell Shuster
Hunton Andrews Kurth
Irell & Manella
Jeffer Mangels
Jennings Strouss
Jones Day
Joseph Greenwald
Kasowitz Benson
Kirkland & Ellis
Klee Tuchin
Labaton Sucharow
Locke Lord
Mayer Brown
McGuireWoods
McNees
Milbank Tweed
Mintz Levin
Morgan Lewis
O'Melveny & Myers
Paul Hastings
Paul Weiss
Proskauer Rose

The D.C. Circuit on Tuesday affirmed Federal Energy Regulatory Commission orders modifying how regional grid operator PJM Interconnection pays participants in its wholesale electricity markets for helping relieve congestion on the grid, rebuffing pleas from challengers including state utility regulators from New Jersey and Delaware to second-guess FERC's reasoning. Read more »

Judge Denies Bid By CFPB, Groups To Stay Payday Rule

A Texas federal judge ruled Tuesday that he won't stay the compliance date of the Consumer Financial Protection Bureau's so-called payday lending rule, but will stay a lawsuit brought against the agency by two payday lender trade groups challenging the rule. Read more »

BANKING & SECURITIES

Reg A+ Is Becoming A Popular Path To Pursue ICOs

More companies are preparing initial coin offerings by using the so-called Reg A+ exemption, a streamlined initial public offering often dubbed a "mini-IPO," though such campaigns face regulatory hurdles and other obstacles, capital-raising experts said at various talks Tuesday in New York. Read more »

ENERGY & ENVIRONMENTAL

Blackfeet's \$471M Water Deal Inches Toward Finish Line

The Blackfeet Nation and the U.S. Department of the Interior nudged closer Tuesday to the finish line of a deal that will resolve decades of litigation over Blackfeet water rights and provide the tribe with \$471 million from the federal government and the state of Montana. Read more »

Robbins Russell
Rutan & Tucker
Selendy & Gay
Seyfarth Shaw
Simpson Thacher
Snell & Wilmer
Strasburger & Price
Thompson Coburn
Troutman Sanders
White & Case
Willkie Farr
Winston & Strawn

COMPANIES

AT&T Inc.
Actelion Ltd.
Amazon.com Inc.
American Bar Association
American Immigration Lawyers Association
American Intellectual Property Law Association
American Medical Association Inc.
American Municipal Power Inc.
American Society of Civil Engineers
Apotex Inc.
Apple Inc.
Association for Accessible Medicines
Assured Guaranty Ltd.
Bayer AG
BlackBerry Ltd.
Cable News Network Inc.
Celgene Corporation
Center for Biological Diversity Inc.
Comcast Corporation
Community Financial Corp.
D. R. Horton Inc.
Epic Systems Corp.

Enviros Say Calif. County Rule Removes Oil And Gas Scrutiny

A coalition of environmental advocates have appealed a California state court's decision to uphold a Kern County ordinance they say fast-tracks oil and gas permitting, arguing the outcome allows wells to be drilled without first going through a proper environmental review. [Read more »](#)

Sens. Accuse DOI Of Delaying, Politicizing Federal Grants

A group of 12 mostly Democratic senators on Tuesday accused the U.S. Department of the Interior of dragging its feet on issuing federal grants and questioned whether it was politicizing the process for reviewing them. [Read more »](#)

Bill To Pay Landowners For Fracking Ban Heads To Pa. Senate

A Pennsylvania Senate committee gave its approval on Tuesday to a bill that would treat a proposed permanent ban on hydraulic fracturing in the Delaware River basin as an act of eminent domain entitling landowners to compensation for lost opportunities to lease their properties for drilling. [Read more »](#)

HEALTH & LIFE SCIENCES

House Passes Policy Tweaks Targeting Opioid Abuse

The U.S. House of Representatives passed two dozen bills aimed at combating the opioid epidemic Tuesday, ranging from giving pharmacists more authority to refuse prescriptions to giving the National Institutes of Health more leeway in testing non-opioid pain treatments. [Read more »](#)

NIH Unveils Research Plans To Fight Opioid Crisis

Leaders at the National Institutes of Health on Tuesday announced how the agency plans to spend the extra \$500 million it received from

Facebook
FedEx Corporation
Federalist Society
Friedman LLP
Google Inc.
Home Box Office Inc.
Indianapolis Colts
Instagram Inc.
Integrity Staffing Solutions
Kids in Need of Defense
Lannett Company, Inc
Lenovo Group Ltd.
Martha Stewart Living Omnimedia, Inc.
Microsoft Corporation
Monsanto Company
Murphy Oil Corporation
Murphy USA Inc.
NBCUniversal Inc.
NFL Enterprises LLC
National Collegiate Athletic Association
National Employment Law Project
Old Dominion Electric Cooperative
PJM Interconnection LLC
Philadelphia Eagles
San Francisco 49ers
Sierra Club
TBS International Limited
The DIRECTV Group, Inc.
Time Warner Inc.
Turner Broadcasting System Inc.
Twitter Inc.
Uber Technologies Inc.
Vivendi SA
Yahoo! Inc.
ZTE Corp.

GOVERNMENT AGENCIES

the U.S. Congress to fight the opioid crisis, saying it will focus on strengthening addiction and abuse treatment and improving pain management. [Read more »](#)

REAL ESTATE

NJ Town Loses Fight With Residents Over Zoning Ordinance

A New Jersey state appeals court has handed a victory to a group of Livingston Township residents over claims they were not personally notified about a municipal ordinance that permitted construction of a proposed assisted-living facility, reviving their lawsuit and declaring the ordinance invalid. [Read more »](#)

EMPLOYMENT

Feature

Kaepernick Looks To Up The Ante, Pull Trump Into Grievance

NFL quarterback Colin Kaepernick, who started a wave of player national anthem protests, is expected to try to compel U.S. President Donald Trump to testify in an ongoing labor grievance, a move some experts said strategically looks to turn the president's politicization of the issue to Kaepernick's advantage. [Read more »](#)

OSHA Enforcement Slipping Under Trump, Labor Org Says

Enforcement activities performed by the Occupational Safety and Health Administration have decreased since the start of the Trump administration and experienced an even bigger decline at the start of the 2018 fiscal year, a report released Tuesday by the National Employment Law Project said. [Read more »](#)

Watchdog Says DOL Is Stalling On OT, Fiduciary Rule Info

A government watchdog that last year sued the U.S. Department of Labor seeking records related to its overtime and fiduciary rules told a

Arizona Supreme Court
Army Corps of Engineers
Blackfeet Nation
Centers for Disease Control and Prevention
Consumer Financial Protection Bureau
Delaware Public Service Commission
Delaware River Basin Commission
Department of Commerce
Employee Benefits Security Administration
Energy Information Administration
European Commission
European Union
Executive Office of the President
Federal Bureau of Investigation
Federal Communications Commission
Federal Energy Regulatory Commission
Federal Reserve System
Federal Trade Commission
Food and Drug Administration
International Trade Commission
National Institutes of Health
National Labor Relations Board
National Telecommunications and Information Administration
New Jersey Board of Public Utilities
New Jersey Supreme Court
Occupational Safety and Health Administration
Office of Foreign Assets Control
Office of the U.S. Trade Representative
Securities and Exchange Commission

Washington, D.C., federal judge Monday that it's "concerned" the agency hasn't been as forthcoming about its record searches as it should be. [Read more »](#)

Interview

Partisan Potshots At NLRB Par For The Course, Ex-Chair Says

Although critics have accused the National Labor Relations Board of becoming overly politicized in recent years — and the board's stance on issues like the legality of class waivers has left businesses and worker advocates sharply divided — former NLRB Chair Philip Miscimarra told Law360 in an exclusive interview that the labor board isn't operating any differently than it has in the past. [Read more »](#)

COMPETITION

Antitrust Chief Defends Sticking To Consumer Welfare Focus

Shortly before a D.C. federal judge cleared AT&T's \$85 billion merger with Time Warner, the U.S. Department of Justice's top antitrust official on Tuesday said in Washington, D.C., that consumer welfare will continue to be the cornerstone of DOJ antitrust enforcement, rejecting calls to expand the Antitrust Division's goals to include concerns over democratic market structures or other social benefits. [Read more »](#)

La. Real Estate Board Asks 5th Circ. For Stay On FTC Trial

The Louisiana Real Estate Appraisers Board has urged the Fifth Circuit to pause a Federal Trade Commission administrative trial challenging board regulations that control appraisal fees, arguing the appeals court should first decide on its immunity from federal antitrust laws to prevent "distraction" of state officials. [Read more »](#)

CYBERSECURITY & PRIVACY

Solicitors Regulation Authority
Susquehanna River Basin
Commission

U.S. Army

U.S. Department of Defense

U.S. Department of Education

U.S. Department of Homeland
Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of State

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. Environmental Protection
Agency

U.S. House Committee on Energy
and Commerce

U.S. House of Representatives

U.S. Senate

U.S. Supreme Court

U.S. Tax Court

Wage and Hour Division

World Trade Organization

Analysis

Facebook Data Pacts Could Spur GDPR-Like Protections

The recent revelation that Facebook has allowed device makers including Apple, Samsung and Huawei broad access to user data raises fresh questions about the legal and ethical constraints on companies' data usage practices and could prompt a reckoning that would pull the U.S. closer to the tighter controls of the general data protection regulation currently in place in the European Union, attorneys say. [Read more »](#)

INTERNATIONAL TRADE

Analysis

N. Korea Summit Offers Distant Glimmer Of Sanctions Relief

President Donald Trump's historic summit with North Korean leader Kim Jong Un closed Tuesday with no changes to U.S. sanctions policy but likely cracked the door to the first bit of easing against the authoritarian regime in decades, while potentially opening a new front in the U.S. trade rift with China. [Read more »](#)

TAX

Tax Court Nominees Will Be Challenged By TCJA, Wyden Says

Judicial nominees for the U.S. Tax Court will face muddled statutes as they decide cases involving the federal tax overhaul legislation, Senate Finance Committee ranking member Ron Wyden, D-Ore., said during a confirmation hearing Tuesday, as the committee decides whether the U.S. Senate will consider nominations for both the Tax Court and the U.S. International Trade Commission. [Read more »](#)

BANKRUPTCY

Puerto Rico Investors Cry Foul Over Sales Tax Revenue Deal

Investors holding general obligation debt issued by Puerto Rico's government are pushing for tweaks to a pending settlement proposed to resolve a bitter fight between creditors over billions worth of sales tax collections, saying the currently proposed split is unacceptable. [Read more »](#)

IMMIGRATION

Analysis

Sessions' Asylum Ruling Highlights Immigrant Counsel Need

U.S. Attorney General Jeff Sessions' decision on Monday to narrow the circumstances under which members of particular "social groups" have grounds to seek asylum will give immigration judges license to deny petitions for relief point-blank, underscoring asylum seekers' need for legal representation, attorneys say. [Read more »](#)

Bill Would Limit Immigrant Family Separations Near Border

Senate Democrats have introduced a bill that would restrict the ability of immigration officers within 100 miles of any U.S. border from separating children from parents suspected of being in the United States without authorization, targeting what they say is an "unconscionable" new Trump administration policy. [Read more »](#)

TELECOMMUNICATIONS

Gov't Urges Caution On Security In Spectrum Balancing Act

As federal agencies work to clear valuable spectrum for shared use with wireless services and other emerging technologies, stakeholders must be mindful of each other's priorities and make sure national security is not undermined by new networks that use the airwaves,

panelists said at a Wednesday spectrum symposium in Washington, D.C. [Read more »](#)

FCC Designates New UK 'White Spaces' Database Manager

The Federal Communications Commission has designated a major domain name registry in the United Kingdom to run a database listing unused broadcast TV spectrum that identifies untapped wireless spectrum capable of transmitting broadband data, saying the company's technical expertise made it the right candidate for the job. [Read more »](#)

FCC's O'Rielly Says Apps May Justify Telecom Rule Rollback

Federal Communications Commission member Michael O'Rielly said Tuesday the agency should consider deregulating traditional telecoms to give them a chance to compete with the rise of unregulated messaging apps like Facebook Messenger and WhatsApp or ask lawmakers to give the FCC the power to impose rules on the popular services. [Read more »](#)

WHITE COLLAR

Boies Schiller Atty Sues FBI, DOJ Over McCabe Doc Requests

One of Andrew McCabe's attorneys at Boies Schiller Flexner LLP on Tuesday sued the FBI and the U.S. Department of Justice for allegedly holding out on a Freedom of Information Act request the lawyer says is essential for protecting and advancing the fired FBI deputy director's legal interests. [Read more »](#)

EXPERT ANALYSIS

Series

FLSA Turns 80: Causes Of Growth In Wage And Hour Cases

Since the turn of the 21st century, the number of Fair Labor Standards Act lawsuits filed in

federal court has increased by more than 300 percent. A confluence of four key factors resulted in this explosion of wage and hour litigation, say Richard Alfred and Kyle Petersen of Seyfarth Shaw LLP. [Read more »](#)

Highway Trust Fund Is Out Of Gas — Time For Mileage Fees

Revenue from the federal gas tax — last increased in 1993 — continues to decline, leaving infrastructure critically underfunded. But pilot programs in multiple states have now proven that mileage-based road user fees can replenish the Highway Trust Fund and be implemented practically and fairly, say Joshua Andrews, Charles Stitt and Theodore Bristol of Faegre Baker Daniels Consulting. [Read more »](#)

Did CFPB Have Authority To Issue New Regs Under RESPA?

Following the swarm of recent requests for information issued by the "new" Consumer Financial Protection Bureau, I want to highlight one area where I think the agency went too far — namely, its extensive default servicing regulations under the Real Estate Settlement Procedures Act, says Laurence Platt of Mayer Brown LLP. [Read more »](#)

FDA Risk-Evaluation Guidance Unlikely To Help Generics

The U.S. Food and Drug Administration's new draft guidance intends to address abuse of risk evaluation mitigation strategies. However, unless legislation gives the FDA the ability to force cooperation, gamesmanship in REMS will continue to be a cost of doing business for drug manufacturers, say Gregory Asciolla and Matthew Perez of Labaton Sucharow LLP. [Read more »](#)

What To Know About Proposed Chemical Safety Reg Changes

Durable reform of existing regulations requires hard work. The U.S. Environmental Protection Agency's recently proposed revisions of a core

Obama administration midnight rule — the Risk Management Plan program for certain chemical, refining and general manufacturing facilities — demonstrate how this work is done, say attorneys with Hunton Andrews Kurth LLP. [Read more »](#)

Where Sports Bet Ruling Meets Federal Gambling Laws

While each state is now free to enact new laws legalizing sports betting, the U.S. Supreme Court's decision in *Murphy v. NCAA* does not displace a framework of federal gambling laws that were never intended to apply to a world where state-authorized sports betting is commonplace, say Scott Rader and Kelly Frey of Mintz Levin Cohn Ferris Glovsky and Popeo PC. [Read more »](#)

LEGAL INDUSTRY

2 Firms Catch Up To Cravath's Associate Pay Raise

Debevoise & Plimpton LLP and New York-based commercial litigation boutique law firm Holwell Shuster & Goldberg LLP on Tuesday announced they have adopted new associate pay scales and bonus structures that match the raises made public a day earlier by Cravath Swaine & Moore LLP. [Read more »](#)

Ex-Locke Lord Partner Faces Financial Fraud Charges In UK

A former banking partner at Locke Lord LLP will face two counts of fraud in an English court in July for allegedly inflicting financial losses on members of a multimillion-pound investment scheme, the Crown Prosecution Service told Law360 on Tuesday. [Read more »](#)

Guess Exec Resigns After Glaser Weil's Misconduct Inquiry

Guess? Inc. has announced that co-founder Paul Marciano has resigned as executive chairman of the lifestyle brand after Glaser Weil LLP found he exercised "poor judgment"

when communicating with models and photographers, adding that he and the company agreed to settle five individuals' allegations of inappropriate conduct for \$500,000. [Read more »](#)

Pro Bono Spotlight

McGuireWoods Secures \$8M Award In Human Trafficking Case

A woman who spent virtually her entire life under the control of a cult that trafficked her from city to city and forced her to work without pay for a decade secured an almost \$8 million judgment in Kansas federal court in May, thanks to the pro bono representation of McGuireWoods LLP. [Read more ½ B](#)

ABA Revokes Accreditation From For-Profit Ariz. Law School

In what the American Bar Association says may be the first time an operating law school's accreditation approval has been involuntarily revoked, the organization announced last week that it is withdrawing its stamp of approval from for-profit Arizona Summit Law School and giving the school 10 days to appeal. [Read more »](#)

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To: Rep48
Subject: Comey 'Insubordinate' In Clinton Email Probe, Watchdog Says



PUBLIC POLICY

Introducing Law360 Tax Authority

A new way for tax specialists to get the news, insight, and updates they need to stay ahead of the curve.

Friday, June 15, 2018



TOP NEWS

Comey 'Insubordinate' In Clinton Email Probe, Watchdog Says

A U.S. Department of Justice watchdog scolded former FBI head James Comey on Thursday for "insubordination" in his handling of the Hillary Clinton probe during the 2016 presidential election, but found no evidence that the decision not to prosecute the former secretary of state was tainted by political bias. [Read more »](#)

Supreme Court Says Foreign Gov't Submissions Not Binding

The U.S. Supreme Court on Thursday held that a foreign government's interpretation of its own law is not "binding" on U.S. courts, throwing out a Second Circuit ruling nixing a \$147 million price-fixing judgment against two Chinese companies that received support from the Chinese government. [Read more »](#)



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LAW FIRMS

Akerman

Akin Gump

Trump Pick For Okla. Judgeship Advances Over Dems' Gripes

A judge on the shortlist for future U.S. Supreme Court openings made progress Thursday toward an Oklahoma federal court post, despite complaints from Democrats about his previous attacks on the U.S. Environmental Protection Agency and his lack of American Bar Association vetting [Read more »](#)

SEC Official Says Bitcoin And Ether Are Not Securities

A key Securities and Exchange Commission official said Thursday that the agency does not consider cryptocurrencies bitcoin and ether to be securities, while affirming that many digital tokens sold in fundraising schemes known as initial coin offerings are indeed securities. [Read more »](#)

Kaspersky Banned From Gov. Agencies By Federal Council

The Federal Acquisition Regulatory Council on Thursday introduced an interim rule that will ban federal agencies from using products made by embattled Russian-owned cybersecurity firm Kaspersky Lab Inc., saying the council was trying to give agencies and contractors time to adjust to the ban. [Read more »](#)

BANKING & SECURITIES

Currency Comptroller Resists Calls For Bank Review Info

The head of the Office of the Comptroller of the Currency told senators Thursday that it would be inappropriate for his agency to release more detailed findings from its now-completed major review of sales practices at several dozen banks in the wake of the Wells Fargo unauthorized accounts scandal. [Read more »](#)

NRA Asks To Depose NY Regulator In Discrimination Suit

Arnold & Porter
Babst Calland
Ballard Spahr
Barnes & Thornburg
Boies Schiller
Brewer, Attorneys & Counselors
Briglia Hundley
Buckley Sandler
Cleary Gottlieb
Cooper & Kirk
Covington & Burling
Cozen O'Connor
Cravath Swaine
Cullen Law Firm
Cuti Hecker
Davis Polk
Debevoise & Plimpton
Duane Morris
Eversheds Sutherland
Galanda Broadman
Gibson Dunn
Glaser Weil
Goodwin
Harris Wiltshire
Hausfeld
Hawke McKeon
Hobbs Straus
Holwell Shuster
Husch Blackwell
Immigration Law PLLC
Irell & Manella
Jones Day
Kanjani & Katzen
Kaplan & Company LLP
Kasowitz Benson
King & Spalding
Kirkland & Ellis
Laura Devine Solicitors

The National Rifle Association said Thursday that it wants to depose New York's top financial services regulator to help it prepare its bid for a preliminary injunction in its suit accusing her of working with Gov. Andrew Cuomo to squash the gun rights advocacy organization by cutting it off from financial services. [Read more »](#)

ENERGY & ENVIRONMENTAL

EPA To Move Forward With New Pesticide Training Protocol

The U.S. Environmental Protection Agency will officially announce the availability of expanded pesticide safety training materials in the Federal Register, ending its postponement of an Obama-era rule that required certain employers to provide updated training, the New York Attorney General's Office announced Thursday. [Read more »](#)

HEALTH & LIFE SCIENCES

House Passes Bill Targeting Opioids Sent Via Foreign Mail

The U.S. House of Representatives cracked down on opioids sent through international mail, passing a bill Thursday that would require reporting to the U.S. Customs and Border Protection about the contents and senders of all foreign mail shipments, as well as impose a new fee for international express mail shipments. [Read more »](#)

Insurers, Doctors, Hospitals Assail GOP's New ACA Challenge

More than two dozen trade groups representing insurers, medical providers, hospitals and consumers on Thursday told a Texas federal judge the country's entire health care sector would be thrown into chaos if the court strikes down the Affordable Care Act's pre-existing condition protections. [Read more »](#)

Locke Lord
Manatt Phelps
McCandlish Holton
McDermott Will
Milbank Tweed
Nemecek & Cole
O'Donoghue & O'Donoghue
O'Melveny & Myers
Orrick Herrington
Paul Hastings
Paul Weiss
Proskauer Rose
Quinn Emanuel
Riley Safer
Rimon PC
Saul Ewing
Selendy & Gay
Sidley Austin
Simpson Thacher
Skadden
Stroock & Stroock
Susman Godfrey
Thomson & Weintraub
Weil Gotshal
Weinberg Roger
Wiley Rein
Willkie Farr
WilmerHale
Wilson Sonsini
Winston & Strawn

COMPANIES

AARP Inc.
AT&T Inc.
Airbnb Inc.
Amazon.com Inc.
America's Health Insurance Plans
American Academy of Family Physicians

IP & TECHNOLOGY

As New IP Tariffs Loom, China Implores Trump To Negotiate

With the Trump administration preparing to impose tariffs to punish China for its intellectual property regime, Beijing on Thursday made a last-ditch effort to convince the White House to hold off and instead peacefully negotiate a solution to the escalating trade quarrel. [Read more »](#)

New Bill Would Bar Quick Generics Approval For PTAB Users

Generics and biosimilar drugmakers who challenge brand patents at the Patent Trial and Appeal Board would be effectively closed off from accelerated approval pathways under a bill introduced Wednesday by U.S. Sen. Orrin Hatch, R-Utah, who co-authored the original law that enabled sped-up generics approvals. [Read more »](#)

MEDIA & ENTERTAINMENT

3rd Time's No Charm For Trump's Bid To Halt Defamation Suit

The New York Court of Appeals on Thursday denied President Donald Trump's bid to stay the defamation suit brought by former "Apprentice" contestant Summer Zervos over his claims that she lied when accusing him of sexual misconduct, the third time a court has blocked his efforts to stymie the suit. [Read more »](#)

TRANSPORTATION & INFRASTRUCTURE

Drivers Look For Class Cert. In Pa. Highway Toll Fight

Trade groups and trucking companies suing over highway tolls charged by the Pennsylvania Turnpike Commission urged a federal judge on Wednesday to certify a class

American Academy of Pediatrics
American Automobile Association
American Bar Association
American Cancer Society Inc.
American Civil Liberties Union
American College of Physicians
American Diabetes Association
American Federation of Government Employees
American Heart Association
American Hospital Association
American Immigration Lawyers Association
American Medical Association Inc.
American Public Health Association
Association for Accessible Medicines
Association of American Medical Colleges
Bank of America Corporation
CTIA
Center on Budget and Policy Priorities
Consumer Federation of America
DEI HOLDINGS INC
Deloitte Touche
Dyson Ltd.
Facebook
Federation of American Hospitals Inc.
Financial Industry Regulatory Authority Inc.
General Motors
Google Inc.
HomeAway Inc.
Huawei Technologies
International Association of Machinists and Aerospace Workers

of more than 100,000 motorists, saying common questions of the tolls' constitutionality bind the group together. [Read more »](#)

INSURANCE

US Doesn't Owe ACA Money To Insurers, Fed. Circ. Rules

Health insurance companies are not entitled to billions of dollars in Affordable Care Act funding that Congress has withheld, the Federal Circuit ruled Thursday. [Read more »](#)

REAL ESTATE

Boston City Council Approves Airbnb Rental Restrictions

The Boston City Council has voted heavily in favor of regulating short-term rental units, making it illegal to post investor-owned units on platforms such as Airbnb, approving an ordinance introduced by the mayor. [Read more »](#)

EMPLOYMENT

Dems' Ambitious Pro-Labor Bill A Nonstarter, Experts Say

The sweeping labor law overhaul proposed Wednesday by leading Democrats is a nonstarter in today's Republican-controlled Congress but could lay the groundwork for future changes to the country's long-static union policy if the party regains control of Congress and the White House, experts told Law360. [Read more »](#)

Unions Sue To Void Trump's Civil Service Reform Orders

Thirteen unions that represent federal workers sued President Donald Trump Wednesday seeking to invalidate three executive orders aimed at reforming the nation's civil service system, including by making it easier to fire workers and streamlining the collective bargaining process,

International Brotherhood of Teamsters
Internet Corporation for Assigned Names and Numbers
Kaspersky Lab Ltd.
Land of Lincoln Mutual Health Insurance Co.
Marsh & McLennan Companies Inc.
Match.com Inc.
Nascar Holdings Inc.
National Association of Manufacturers
National Health Law Program
National Rifle Association of America
Natural Resources Defense Council
Netflix Inc.
PhRMA
Public Company Accounting Oversight Board
Public Knowledge
Quicksilver Resources Inc.
Relativity Media LLC
Service Employees International Union
Sprint Nextel Corporation
State Farm
The Catholic Health Association of the United States
The DIRECTV Group, Inc.
The Western Reserve Group
Time Warner Inc.
Twitter Inc.
U.S. Chamber of Commerce
Wells Fargo & Co.
Yahoo! Inc.

GOVERNMENT AGENCIES

saying the president overstepped his legal bounds by issuing them. [Read more »](#)

AEROSPACE & DEFENSE

Senate Set For Final Defense Policy Bill Vote

The U.S. Senate teed up a final vote on its \$715 billion National Defense Authorization Act Thursday, setting up a showdown with the White House over sanctions against Chinese telecommunications company ZTE after the chamber's final vote Monday. [Read more »](#)

House Panel Approves \$675B Defense Spending Bill

The House Appropriations Committee on Wednesday easily approved its nearly \$675 billion defense spending bill for fiscal 2019, but rejected a proposal to sunset the current congressional war authorization, which has been in place since just after 9/11. [Read more »](#)

INTERNATIONAL TRADE

Commerce Chief Off To Hill To Explain Security-Based Tariffs

Commerce Secretary Wilbur Ross will appear before the Senate Finance Committee next week to explain the administration's controversial use of a Cold War-era law to impose sweeping tariffs for national security purposes, the committee announced late Wednesday. [Read more »](#)

IMMIGRATION

7th Circ. Denies DOJ Bid For Urgency In Sanctuary City Row

The U.S. Department of Justice urged the Seventh Circuit on Thursday to rule by Monday on the agency's pending bid to stay a nationwide injunction of a prohibition on releasing public safety funds to so-called

Attorney Registration and Disciplinary Commission
Bureau of Citizenship and Immigration Services
Bureau of Indian Affairs
Central Intelligence Agency
Committee on Foreign Investment in the United States
Delaware Nation
Department of Commerce
European Union
Executive Office of the President
Federal Acquisition Regulatory Council
Federal Bureau of Investigation
Federal Communications Commission
Financial Crimes Enforcement Network
Financial Reporting Council
Food and Drug Administration
Georgia Supreme Court
Government Accountability Office
Illinois Department of Insurance
Illinois Supreme Court
Internal Revenue Service
International Trade Commission
Massachusetts Legislature
National Aeronautics and Space Administration
National Highway Traffic Safety Administration
National Labor Relations Board
National Oceanic and Atmospheric Administration
National Telecommunications and Information Administration
New York Attorney General's Office
New York State Department of Financial Services

sanctuary cities, but the court responded hours later denying the request. [Read more »](#)

5 Attys On Keeping Up With Changing Immigration Policy

Representatives for the American Immigration Lawyers Association on Thursday urged attorneys to brace for policy changes in the U.S. and abroad, to take up litigation and to push forward on claims relating to detention and asylum. Here are the five top pieces of advice for immigration attorneys drawn from the AILA's national conference in San Francisco. [Read more »](#)

Calif. AG Says He Will Fight Trump On Raids, Other Policies

California Attorney General Xavier Becerra is prepared to fight federal immigration authorities who target the sanctuary state for work-site raids and other enforcement activities, he said at the American Immigration Lawyers Association's annual conference in San Francisco on Thursday. [Read more »](#)

Calif. Wants Feds' Challenge To Its Immigration Laws Tossed

A California federal court should toss a case initiated by the federal government challenging several of the state's immigration-related laws, as they do not preempt federal laws and are within the state's legal rights, the Golden State argued Wednesday. [Read more »](#)

Families Fight 'Secret' End Of CAM Immigration Program

A group of immigrant families accused the Trump administration in a California federal court Wednesday of secretly terminating a program that allowed Central American children to join their families in the U.S., after the government rescinded conditional approvals under the program for 3,000 children and young adults last year. [Read more »](#)

NATIVE AMERICAN

Nooksack Indian Tribe
Office of Foreign Assets Control
Office of the Comptroller of the Currency
Oklahoma Supreme Court
Omaha Tribe of Nebraska
Otoe-Missouria Tribe
Pawnee Nation of Oklahoma
Pennsylvania Department of Transportation
Ponca Tribe of Indians of Oklahoma
Securities and Exchange Commission
Seminole Tribe of Florida
Shawnee Tribe
U.S. Air Force
U.S. Army
U.S. Customs and Border Protection
U.S. Department of Defense
U.S. Department of Energy
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of State
U.S. Department of Transportation
U.S. Department of the Interior
U.S. Environmental Protection Agency
U.S. General Services Administration
U.S. House of Representatives
U.S. Postal Service
U.S. Senate
U.S. Supreme Court
United Keetoowah Band of Cherokee Indians
Wage and Hour Division

Tribal Council Candidates Blast DOI, Allege Election Fraud

Four Nooksack tribal council candidates who lost in a December special election filed suit on Wednesday in Washington federal court, alleging that the U.S. Department of the Interior did not properly oversee the election that they said was fraudulent and likely included ballot stuffing. [Read more »](#)

TELECOMMUNICATIONS

Telecom Agency Head Grilled On US Internet Oversight

The head of the government agency charged with setting internet policy told lawmakers Wednesday that he hopes the public will weigh in on whether the Trump administration can or should reverse an Obama-era decision relinquishing government control of the internet to international groups. [Read more »](#)

Sprint Defends FCC 5G Cell Review Exemptions At DC Circ.

Sprint Corp. asked for permission Wednesday to intervene on behalf of the FCC against consolidated D.C. Circuit challenges by Native American tribes and environmentalists contesting an agency rule exempting small-cell fixtures necessary for building up next-generation or 5G networks from environmental and historic reviews. [Read more »](#)

Don't Let Wireless Interests Skew CBRS Licenses, FCC Told

The Federal Communications Commission must thwart an attempt by mobile service providers to lock down large swaths of spectrum through overreaching license areas in the Citizens Broadband Radio Service, representatives from a coalition of public interests groups told the agency this week. [Read more »](#)

PEOPLE

Babst Calland Nabs Ex-DOT Official, Self-Driving Cars Pro

Babst Calland Clements & Zomnir PC has snagged the U.S. Department of Transportation's former chief of trends and analysis and senior adviser on vehicle safety enforcement to join its Washington, D.C., office, where he will specialize in advising clients on emerging technology, including autonomous or self-driving vehicles. [Read more »](#)

EXPERT ANALYSIS

Series

FLSA Turns 80: The Future Of Work Is Here

As we mark the Fair Labor Standards Act's 80th anniversary later this month, it is an appropriate time to reflect on its history and consider the ways it most needs to evolve to keep pace with changes in the workplace and allow employers to provide the flexible work arrangements that many employees want, say Jessica Perry and Dan Corbett of Orrick Herrington & Sutcliffe LLP. [Read more »](#)

Streamlining Section 337: Some Big Changes At ITC

Overall, the new amendments to the U.S. International Trade Commission rules governing Section 337 unfair trade practice investigations are seen as improvements. But some observers believe the increased options may slow proceedings, say attorneys with Eversheds Sutherland LLP. [Read more »](#)

What To Expect From PCAOB's Ongoing Transition

Since reaching full strength in April, the Public Company Accounting Oversight Board has wasted little time in charting a new course for the audit regulator, starting with a 360-degree review and the departure of several senior staff. Among other things, the board is

contemplating drilling more deeply into firms' quality control systems, says Robert Cox of Briglia Hundley PC. [Read more »](#)

House Hearing Stirs Debate On Insuring Autonomous Vehicles

A U.S. House subcommittee hearing last month on self-driving vehicles and the future of insurance highlighted stakeholders' differing views on whether technology companies should be legally required to provide insurers with vehicle data. A failure to reach agreement on data sharing will hamper the legislative process, say attorneys with Akin Gump Strauss Hauer & Feld LLP. [Read more »](#)

Why Lawyers Shouldn't Accept Fees In Cryptocurrency: Part 2

The legal industry has already begun to feel the impact of anti-bribery and anti-money laundering requirements. When involved with cryptocurrency trading and remittance, law firms face more than the risk of being perceived as organizations that support money laundering practices, says John Reed Stark of John Reed Stark Consulting LLC. [Read more »](#)

LEGAL INDUSTRY

Feature

4 Ways To Become Influential At Your Law Firm

Becoming an influential force within a large law firm can be difficult; there are social dynamics to navigate, legal work to juggle, and no guidebook on how to have sway. Here, those with influence in their firms offer up four tips on how to build clout. [Read more »](#)

BigLaw Firms Clamor To Match Cravath In Associate Pay Race

Skadden, Cleary and Weil Gotshal are among the law firms that have recently added their names to a growing list of shops that plan to match the associate salary raises and bonus

structure put forth earlier this week by Cravath.
[Read more »](#)

Interview

New Manatt Head To Ambitious Young Lawyers: 'Be Curious'

Donna Wilson, the next managing partner and CEO of Manatt Phelps & Phillips LLP, has a piece of advice for law students and young lawyers who aspire to lead a large firm one day: "Be curious." [Read more »](#)

Law360's Weekly Verdict: Legal Lions & Lambs

The legal lions this week are led by a team of attorneys that successfully argued in D.C. federal court that AT&T's acquisition of Time Warner should proceed over the objections of the U.S. Department of Justice, while the legal lambs list kicks off with embattled Trump advocate Michael Cohen. [Read more »](#)

JOBS

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From: Public Policy Law360
Sent: Tuesday, June 19, 2018 4:48 AM
To: Rep48
Subject: The Best Firms For Minority Equity Partners



Tuesday, June 19, 2018



DIVERSITY SNAPSHOT

The Best Firms For Minority Equity Partners

The legal industry is making sluggish gains when it comes to attracting and retaining attorneys of color, but this select group of firms is taking broader strides to diversify at the top. [Read more »](#)

Audio

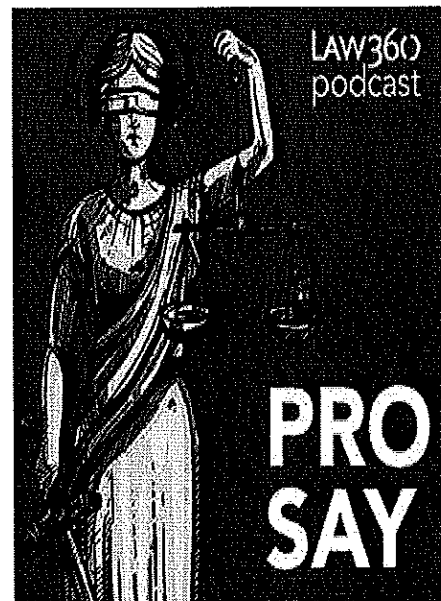
In Their Own Words: Minority Partners On Reaching The Top

Despite decades of industrywide initiatives, movement up the ladder has stagnated for minority lawyers. Here, five industry success stories tell Law360 about the paths they took and what needs to change in BigLaw. [Read more »](#)

The Hurdles Facing BigLaw's Minority Women

We asked BigLaw for data on female minority lawyers for the first time this year, and the results show an industry that is failing to attract and retain them. Here's a look at the challenges facing these attorneys — and how a few firms are defying the norm. [Read more »](#)

GCs Tackle Law Firm Culture In Diversity Push



[Listen to our new podcast here](#)

LAW FIRMS

Anthony Kennedy PC
Arnold & Porter
Ashburn & Mason
Atkinson Andelson
Ballard Spahr
Boies Schiller
Bookoff McAndrews
Carothers DiSante

Following an American Bar Association pledge, in-house attorneys are taking a harder line in demanding diversity from their outside counsel, and they're seeking to play a larger role in the workings of the law firms they hire. [Read more »](#)

TOP NEWS

Trump Ups Tariff Ante By Targeting \$200B In Chinese Exports

The escalating tariff battle between the U.S. and China took another dramatic turn Monday as President Donald Trump said he will consider duties on another \$200 billion worth of Chinese goods in an effort to undo the country's purportedly discriminatory intellectual property and technology acquisition rules. [Read more »](#)

DHS Sec. Blames Congress For Separating Families At Border

U.S. Department of Homeland Security Secretary Kirstjen Nielsen denied allegations Monday that the Trump administration's new policy of separating immigrant families at the U.S.-Mexico border is using thousands of children as pawns to drive its agenda, saying, "Congress and the courts created this problem, and Congress alone can fix it." [Read more »](#)

Senate Votes To Pass Defense Policy, Reform Bill

The U.S. Senate passed the sweeping National Defense Authorization Act on Monday, kickstarting a process with the House to iron out differences over project priorities, force numbers, international trade and other policies in the \$715 billion authorization and reform bill. [Read more »](#)

Analysis

CFPB Nominee Could Open Door To Lengthier Mulvaney Stay

Casner & Edwards
Clark Hill
Cleary Gottlieb
Clifford Chance
Consovoy McCarthy
Cooley
Covington & Burling
Cravath Swaine
DLA Piper
Dilworth Paxson
Fragomen Del Rey
Freshfields
Fried Frank
Gibson Dunn
Goodwin
Greenberg Gross
Greenberg Traurig
Gunderson Dettmer
Hogan Lovells
Holland & Knight
Hudson Cook
Irell & Manella
Jenner & Block
Jones Day
Katz Marshall
Keker Van Nest & Peters
Kilpatrick Townsend
Latham & Watkins
Liebert Cassidy
Littler Mendelson
Milbank Tweed
Mintz Levin
Morrison & Foerster
Nelson Hardiman
Paul Hastings
Paul Weiss
Perkins Coie
Proskauer Rose

President Donald Trump's decision to tap Kathleen Kraninger, an official at the Office of Management and Budget, to become the next director of the Consumer Financial Protection Bureau could clear the way for the agency's current acting Director Mick Mulvaney to remain in charge into next year and possibly longer, experts said. [Read more »](#)

Feature

Here's What We Know About FCC Nominee Geoffrey Starks

The Democrat nominated to fill FCC Commissioner Mignon Clyburn's recently vacated role at the regulatory agency will be in the hot seat this week, as Senate leaders grill Geoffrey Starks over why he's qualified to step up to the dais. Here's what we know about him so far. [Read more »](#)

Analysis

Training Crucial To Offsetting Job Losses From Automation

As the coming artificial intelligence revolution threatens to displace millions of human employees, experts on both sides of the management-worker divide say that lawmakers, businesses and labor groups need to figure out how to train U.S. workers to take advantage of the jobs this new technology will create. [Read more »](#)

Analysis

4 Takeaways From The FDA's Info-Sharing Guidance

The U.S. Food and Drug Administration recently released finalized guidance loosening restrictions on what information drug and medical device companies can share with insurers and other third-party payors, a development attorneys view as a sign that the agency is softening its stance on off-label promotion. [Read more »](#)

ENERGY & ENVIRONMENTAL

Pullman & Comley

Quarles & Brady

Quinn Emanuel

Reed Smith

Riley Safer

Roberts Reynolds

Selendy & Gay

Sidley Austin

Simpson Thacher

Venable LLP

White & Case

Wilkinson Walsh

Williams & Connolly

WilmerHale

Wilson Sonsini

Winston & Strawn

COMPANIES

Adobe Systems Incorporated

Air France-KLM

Amazon.com Inc.

American Bankers Association

American Bar Association

American Civil Liberties Union

American Express Company

BASF SE

Bristol-Myers Squibb Company

CME Group Inc.

Center for Biological Diversity Inc.

Charter Communications Inc.

DHL International GmbH

Defenders of Wildlife

Democratic National Committee

Ennis Inc.

Enterprise Holdings Inc.

Equifax Inc.

Etsy Inc.

Facebook

Goldman Sachs Group Inc.

Enviros Plan To Hit Chicago Trump Hotel With CWA Suit

A pair of environmental groups said Monday that they are gearing up to sue the Trump International Hotel and Tower in Chicago over allegations that it has been flouting the Clean Water Act for the last four years. [Read more »](#)

Calif. Unveils New Gas Production Pipeline Regs

The California Department of Conservation released new regulations Monday targeting older gas pipelines located near homes and schools, after a 2014 natural gas leak in the southern part of the state resulted in the evacuation of nearby families. [Read more »](#)

High Court Wants SG's Input In Calif. Foie Gras Ban Suit

The U.S. Supreme Court asked the solicitor general Monday to weigh in on a challenge to California's ban on selling products made by force-feeding birds, particularly foie gras, seeking the government's views on whether the state rule is preempted by federal law. [Read more »](#)

High Court To Consider Feds' Hovercraft Ban In Alaska Again

The U.S. Supreme Court agreed on Monday to review a Ninth Circuit ruling holding that the National Park Service has the right to enforce its hovercraft ban on an Alaska river, setting the high court up to consider the dispute for the second time. [Read more »](#)

Feds Say Border Wall Enviro Waiver Within DHS Authority

The federal government asked a D.C. federal court on Friday to deny a motion for summary judgment in a suit alleging the Trump administration acted outside its authority by waiving multiple environmental oversight laws to expedite the construction of 20 miles of wall along the border between eastern New Mexico and Mexico, arguing Congress was within its

Immersion Corporation
Leadership Council on Legal Diversity
LendingClub Corp.
Major League Baseball Inc.
Massachusetts Mutual Life Insurance
McKinsey & Company
National Federation of Independent Business
Network Services Solutions LLC
Newegg Inc.
PepsiCo Inc.
Prime Policy Group
ProFund Advisors LLC
Quill Corp.
Sierra Club
Sony Corporation
The DIRECTV Group, Inc.
Trump Organization Inc.
Twitter Inc.
Uber Technologies Inc.
Verizon Communications
Washington Post Co.
Wayfair LLC
Western States Petroleum Association
eBay Inc.

GOVERNMENT AGENCIES

Bureau of Indian Affairs
Bureau of Land Management
California Natural Resources Agency
Cherokee Nation
Committee on Foreign Investment in the United States
Consumer Financial Protection Bureau
Department of Commerce

rights to grant the waiver and also requesting a quick win. Read more »

EMPLOYMENT

Mass. Top Court Greenlights Nurse Staffing Ballot Question

A ballot question limiting the number of patients who can be assigned to a single nurse will be asked to Massachusetts voters this fall after the Massachusetts Supreme Judicial Court on Monday shot down a bid by a group of voters who challenged the question on constitutional grounds. Read more »

CYBERSECURITY & PRIVACY

Amazon Urged Not To Sell Face-Recognition Tool To Gov't

Some Amazon Inc. investors joined privacy advocates Monday in pressing the tech giant to stop selling its real-time facial recognition tools to law enforcement, citing human rights concerns that could hurt the company's stock price and spawn lawsuits. Read more »

SEC Delays Action On NYSE Venue Plan To List Bitcoin ETFs

The U.S. Securities and Exchange Commission delayed deciding on a rule change submitted by a New York Stock Exchange venue seeking to list its first two exchange-traded funds based on the value of bitcoin, saying it needs more time to review the proposal. Read more »

WHITE COLLAR

Florida Man Wins High Court Battle Over Retaliatory Arrest

The U.S. Supreme Court on Monday ruled that the existence of probable cause for an arrest does not eclipse a claim of retaliatory arrest, giving Fane Lozman — houseboat owner, activist and thorn in the side of the city government of Riviera Beach, Florida — 4 his

European Union
Executive Office of the President
Federal Aviation Administration
Federal Bureau of Investigation
Federal Communications Commission
Federal Trade Commission
Food and Drug Administration
Illinois Department of Natural Resources
Illinois Environmental Protection Agency
International Trade Commission
Massachusetts Supreme Judicial Court
Morongo Band of Mission Indians
NAFTA
National Aeronautics and Space Administration
National Credit Union Administration
National Park Service
New Jersey Legislature
New York City Department of Education
Quinault Indian Nation
Securities and Exchange Commission
U.S. Air Force
U.S. Attorney's Office
U.S. Customs and Border Protection
U.S. Department of Agriculture
U.S. Department of Defense
U.S. Department of Energy
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of the Interior

second win in the nation's highest court. Read more »

AEROSPACE & DEFENSE

Comey Being Investigated On Trump Memos, Watchdog Says

Former FBI Director James Comey is being investigated for passing memos on his meetings with President Donald Trump to the press through intermediaries, U.S. Department of Justice Inspector General Michael Horowitz told the Senate Judiciary Committee on Monday. Read more »

Trump Declares 'Space Force' As New Military Branch

President Donald Trump on Monday ordered the U.S. Department of Defense to establish a U.S. Space Force as a new branch of the armed forces, saying it would help shore up national security, and signed a directive to improve traffic management in space. Read more »

INTERNATIONAL TRADE

EU's Russia Sanctions Over Crimea Extended By A Year

The European Union will continue to impose sanctions on Russia over its 2014 military incursion and subsequent annexation of Ukraine's Crimean peninsula, announcing Monday that imports from, investments in and tourism to the territory would remain blocked for an additional year. Read more »

ITC Vice Chair Takes Top Post In Lieu Of Presidential Action

In the absence of a presidential designation, David S. Johanson, U.S. International Trade Commission vice chair and former trade attorney, became the chair of the commission Sunday, as outgoing Chair Rhonda K. Schmidlein's term expired Saturday, according

U.S. Department of the Treasury
U.S. House of Representatives
U.S. Senate
U.S. Supreme Court
World Trade Organization

to a release from the commission. Read more »

US, Canada Ag Leaders Try To Play Nice Amid Trade Tensions

The top agricultural officials for the U.S. and Canada did their best to patch up their nations' trade relationship Friday, mere days after President Donald Trump publicly blasted Prime Minister Justin Trudeau at the G7 summit for Ottawa's tight restrictions on its dairy sector. Read more »

TAX

Millionaires' Tax Ballot Question Nixed By Mass. Top Court

The Massachusetts Supreme Judicial Court on Monday issued a split decision striking the so-called millionaires' tax from the November ballot, with the majority saying the question was unconstitutional since it posed multiple, unrelated questions rolled into a single initiative. Read more »

IMMIGRATION

Trump Admin. Takes Chicago Sanctuary City Row To Justices

The Trump administration Monday asked the U.S. Supreme Court to stay a nationwide halt that Illinois' federal courts have placed on enforcing new conditions to a public safety grant that the city of Chicago says ropes so-called "sanctuary cities" into following the president's stringent immigration policies. Read more »

Justices Remand Immigrant's Removal Row, Spurn Others

The U.S. Supreme Court on Monday sent back a case brought by a man challenging the classification of an offense that made him deportable in light of a high court April ruling, after denying his petition for review last month, while declining to hear a number of appeals

brought by asylum seekers facing reinstated removal orders. [Read more »](#)

NATIVE AMERICAN

Tribes Want Indian Child Welfare Act Challenge Nixed

The Cherokee Nation and other Native American tribes on Friday asked for a quick win in a suit from various states and some foster families challenging the Indian Child Welfare Act, saying the parties bringing the suit are trying to undo decades of progress. [Read more »](#)

TAX

NJ Gov. Vows To Veto Budget, Raising Shutdown Worries

New Jersey Gov. Phil Murphy pledged Monday to veto a budget proposal being pushed by the Legislature, saying the plan relies on temporary "one-shot" and "two-shot" sources of revenue, unverifiable savings and a projected year-end budget deficit. [Read more »](#)

EXPERT ANALYSIS

FTC In Full Force: What To Expect From New Leadership

While headlines proliferate about the recent political shake-ups at the nascent Consumer Financial Protection Bureau, the century-old Federal Trade Commission, with less fanfare, finally has a full slate of five commissioners for the first time since 2015, say Lucy Morris and Kavitha Subramanian of Hudson Cook LLP. [Read more »](#)

Congressional Forecast: June

In advance of their weeklong July 4 recess, members of Congress are pursuing a busy legislative schedule, focused on the fiscal year 2019 National Defense Authorization Act and other appropriations bills, reform of export controls, immigration and border security, and

the farm bill authorization, says Layth Elhassani of Covington & Burling LLP. [Read more »](#)

Series

FLSA Turns 80: The Divide Over Joint Employment Status

The basic and threshold issue of who constitutes an “employer” under the Fair Labor Standards Act often has proven surprisingly difficult to resolve, especially in cases involving allegations of “joint employer” status. Over the past few decades a clear divide has developed and widened across the circuits on the proper test for determining this status, say Jason Schwartz and Ryan Stewart of Gibson Dunn & Crutcher LLP. [Read more »](#)

Conn. Bets On 'Kill Quill' Camp With New Amazon Tax

A Connecticut bill signed into law last week seeks to expand the conditions under which out-of-state retailers must collect and remit Connecticut sales tax. However, if the existing physical presence requirement, established by *Quill v. North Dakota*, is upheld by the U.S. Supreme Court in *South Dakota v. Wayfair*, the new reach of the Connecticut bill will almost certainly be considered unconstitutional, says Kelly O'Donnell of Pullman & Comley LLC. [Read more »](#)

Knowledge Lawyers Can Help Firms Stay Ahead Of The Curve

In a profession notoriously averse to change, it should come as no surprise that there is skepticism about the value of having attorneys perform nonbillable tasks. But U.S. law firms have slowly begun to incorporate knowledge lawyers into their operations — and the trend is likely to continue, says Vanessa Pinto Villa of Hogan Lovells. [Read more »](#)

LEGAL INDUSTRY

3 More BigLaw Firms To Tie Associate Salary Bumps

Three BigLaw firms are among a handful of shops that recently said they will match Cravath's increased associate pay scale, which includes a \$190,000 starting salary for first-year lawyers. [Read more »](#)

After Kozinski, 7th Circ. Expands Harassment Reporting

The Seventh Circuit announced dramatic changes to the way it's handling sexual harassment and discrimination complaints from clerks and other employees on Friday, becoming one of the first court systems in the country to overhaul its policies in the wake of allegations against former Ninth Circuit Judge Alex Kozinski. [Read more »](#)

Q&A

15 Minutes With Uber's General Counsel

In a recent interview, Uber General Counsel Tony West discussed some of the ongoing controversies embroiling the ride-hailing giant, how startups at the cutting edge of new industries can best position themselves for long-term success and what changing a company's culture means to him. [Read more »](#)

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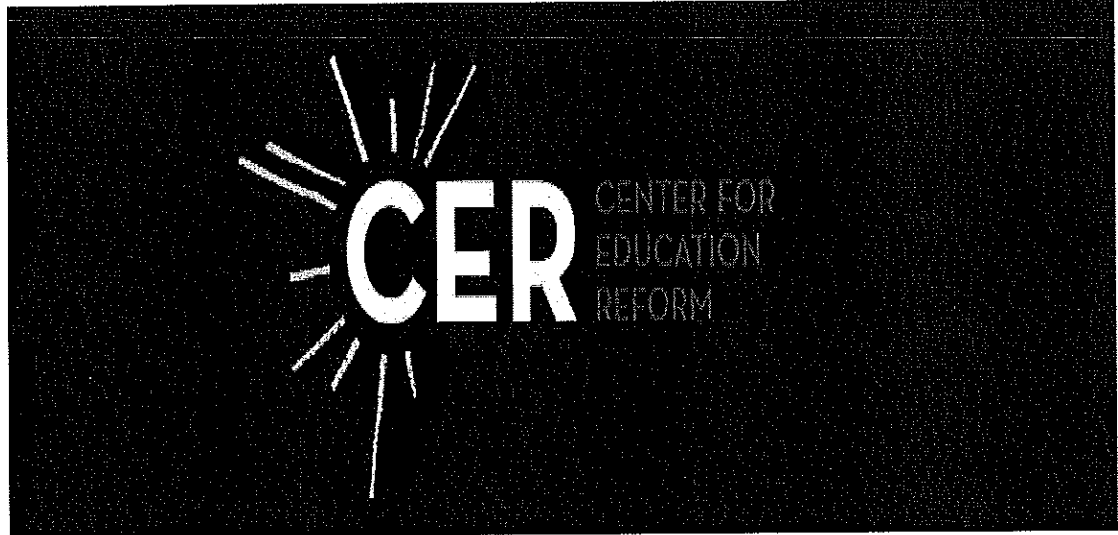
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A weekly report on education news and commentary you won't find anywhere else — from the nation's leading voice on education innovation and opportunity.

COUNTDOWN TO CER'S 25TH ANNIVERSARY SUMMIT... it may seem early, but October will be here before you know it, so make your plans now to join CER on October 25-26 in Miami for its Silver Anniversary Summit & Celebration *"The Road to Innovation for ONE America."* One of the features of the gathering will be our honoring of some of the pioneers of the education reform movement who will be on hand for the event, including Tommy Thompson. As Wisconsin's governor (from 1987-2001) Thompson was one of first high-profile champions of education reform pushing for the creation of the country's first parental school-choice program, which provided Milwaukee families with a voucher to send children to the private or public school of their

choice. He did other great things as governor, too (e.g. welfare reform), and went on to build a remarkable career of public service, including a stint as Secretary of Health and Human Services under George W. Bush, but he'll always be tops in our book for his commitment to, and success in, achieving substantive education reform.

MEANWHILE BACK AT THE RANCH... Last Sunday night NBC News aired a charter school story that argues charters are increasingly geared to support "white flight." If the claims weren't so outlandish and unfounded, it would be laughable. The producer, who was incredibly open to receiving information countering these allegations, based his report on an analysis performed by the Hechinger Report. In one of the documents CER supplied, we demonstrated Hechinger's bias against charter schools, as well as the folly of the argument. [Read more...](#)

A DOUBLE DOSE OF REALITY... This week Jeanne Allen interviewed [Erica Komisar](#), author of "Being There: Why Prioritizing Motherhood in the First Three Years Matters." Based on more than two decades of clinical work and breakthrough neurobiological research on caregiving, attachment and brain development, her book challenges established concepts (and myths) of infant resiliency, 'having it all' and even the definition of feminism. One thing this book is not about is quitting your job. "It's not about working vs. not working – it's really a book about more is more." Also on Reality Check, an attorney for Mark Janus from the [Liberty Justice Center](#) shares his thoughts on the likely outcome of the high court's pending decision.

Find the podcasts at edreform.com/realitycheck and on [National Review](#).

WHEN IT RAINS IT POURS... Just as the AFT and NEA are bracing for the ruling from SCOTUS in the Janus v. AFSCME case, [teachers in New York state have filed a class-action suit](#) claiming (correctly, we might add) that they are being illegally forced to cough up union dues even if they're not union members. This is in response to NY's new law, signed by Gov. Andrew Cuomo

last April, mandating that all teachers pay a New York State United Teachers "agency fee" regardless of their membership status. Supporters say all teachers benefit from pay hikes and perks secured by the union and should subsidize those efforts. In a suit filed Thursday the two teachers who brought the case say (correctly, we might add) that they oppose "NYSUT's political advocacy and collective bargaining activities" and shouldn't have to fund them. Yep.

In Other News...

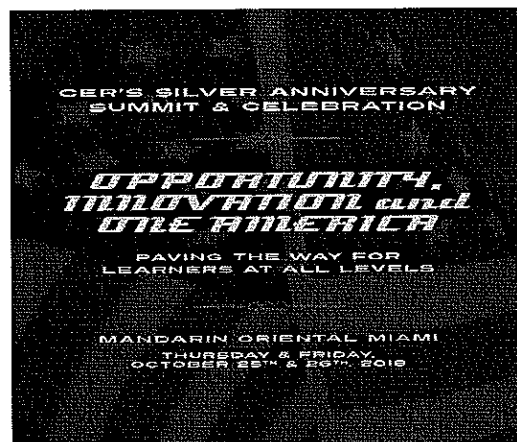
MORE THAN REASONABLE... The Reason Foundation has put out a great piece on school funding. Although titled "Five Recommendations to Solve LAUSD's Looming Fiscal Crisis" its applicable, in parts or in whole, to school funding crises around the country and is worth the read.

SUNSHINE STATE SUCCESS... Former Florida Senate Education Chairman, John Legg, recently summed up Florida's great, new K-12 scholarship program. "... [it] is conceptually reminiscent of the free tutoring programs developed by bipartisan education advocates under the federal No Child Left Behind Act. This scholarship is driven by the educational principle that children must learn to read so they can then read to learn." Notably the program doesn't try to simply thread more money into district elementary reading budgets but instead provides a reading scholarship, which gives parents the decision on how to spend it. And why is that a better approach, Legg was asked: "The parent is the most influential person in the child's life."

A PROGRESSIVE POINT OF VIEW... Also of note this week, a passionate op-ed on educational opportunity for all, titled "Progressive, affluent parents who send their kids to good= schools shouldn't deny others that right." An excerpt: "Simply put, I'm a progressive. So it troubles me deeply to hear self-styled progressives attack educational options that other parents choose for their children. Worse, these attacks on the educational choices that lower-income parents and parents of children with special needs make almost always

come from progressives of higher means. We have a recommendation for that: Check your privilege. I support educational choice for all. Educational options have existed for the wealthy for as long as anyone can remember. What's controversial is when we suggest that those same options should be open to everyone." Amen.

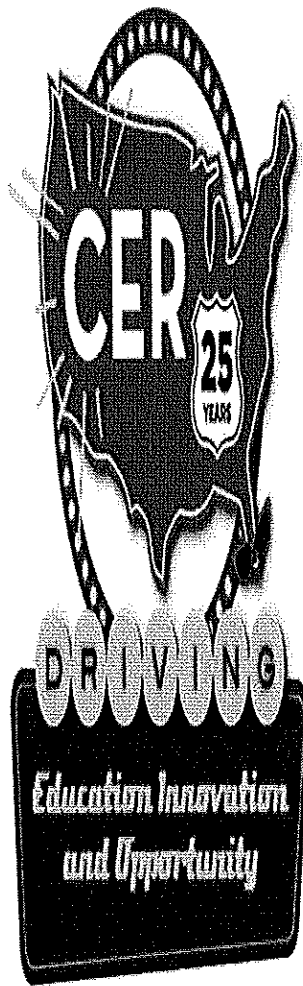
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From: Public Policy Law360
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To: Rep48
Subject: Former Top Attys, State AGs Condemn Family Separations



Wednesday, June 20, 2018



TOP NEWS

Former Top Attys, State AGs Condemn Family Separations

A flood of condemnation over the Trump administration's new "zero tolerance" immigration policy that's left nearly 2,000 children separated from their parents at the border poured in on Monday and Tuesday from former U.S. attorneys and state attorneys general who called for an end to the "cruel and illegal attack" on immigrant families. [Read more »](#)

Senate To Mull Bills To End Immigrant Family Separation

Senators have started to spin up their efforts to end the White House's policy of separating undocumented immigrant parents from their children at the U.S. border Tuesday, even as partisan divides have quickly started to open up in the talks. [Read more »](#)

Trump Backs House Immigration Reform Bills

President Donald Trump told Republican representatives at a meeting Tuesday evening that he would support immigration reform legislation, but the lawmakers were still left questioning how they would move forward on



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an immigration compromise reached last week.
[Read more »](#)

Feature

\$716B Senate Defense Bill Sets Up Clash With White House

The U.S. Senate's nearly \$716 billion version of the 2019 National Defense Authorization Act sets up several future fights, both with the White House over a clause to reinstate sanctions against Chinese technology company ZTE and with the House of Representatives over differences in philosophy — and funding. [Read more »](#)

Analysis

High Court's Vitamin C Ruling Leaves Work For Lower Courts

The U.S. Supreme Court ruled in an antitrust case over Chinese vitamin C exports that U.S. courts are not bound by another country's description of its own laws, but the justices only provided a few hints about how much weight to give competing evidence about what a foreign law requires, leaving trial courts to parse the deference due in future cases. [Read more »](#)

Feature

Meet The Judge Who Will Decide The ACA's Fate

The Texas federal judge presiding over the latest legal assault on the Affordable Care Act has a BigLaw background, Capitol Hill connections, deep roots in the Lone Star State and a judicial track record that could send ACA supporters reaching for bottles of Xanax. [Read more »](#)

BANKING & SECURITIES

Ambac Opens 1st Circ. Fight Over Puerto Rico Bond Diversion

Ambac Assurance Corp. on Monday launched its opening arguments in an appeal over the diversion of highway bond revenues in Puerto Rico stemming from a ruling in the territory's

Cooley
Cravath Swaine
Dorsey & Whitney
Ferraiuolo LLC
Foley & Lardner
Fried Frank
Gibson Dunn
Goldstein & Russell
Greenberg Gross
Greenberg Traurig
Gunderson Dettmer
Gunster
Hogan Lovells
Holland & Knight
Holwell Shuster
Hueston Hennigan
Hunton Andrews Kurth
Jackson Lewis
Jenner & Block
Jones Day
Keker Van Nest & Peters
Kramer Levin
Latham & Watkins
Littler Mendelson
Lynn Pinker
McDermott Will
Milbank Tweed
Morgan Lewis
Morrison & Foerster
Ogletree Deakins
Proskauer Rose
Quinn Emanuel
Raines Feldman
Reed Smith
Sanford Heisler
Schulte Roth
Selendy & Gay
Simpson Thacher

bankruptcy-type cases, saying the underlying acts by the island's government violated the Constitution. [Read more »](#)

ENERGY & ENVIRONMENTAL

Interview

FERC Chair Pledges To Uphold Markets Amid Trump Bailouts

Preserving the viability of regional wholesale electricity markets will be a Federal Energy Regulatory Commission priority in the face of a Trump administration plan to prop up struggling coal and nuclear power plants, FERC Chairman Kevin McIntyre told Law360 in an exclusive interview. [Read more »](#)

White House Mulling Big NEPA Changes

The Trump administration said Tuesday it was considering major changes in how the nation's cornerstone environmental law is implemented with an eye toward streamlining permitting processes, prompting howls of criticism from green groups. [Read more »](#)

DC Circ. Rules DOI Needn't Update Coal Lease Enviro Study

The D.C. Circuit on Tuesday held that the U.S. Department of the Interior does not have a legal obligation to reexamine the environmental impacts of its coal leasing program in order to account for climate change, in a blow for green groups that sought to force the agency's hand. [Read more »](#)

Spain Ordered To Pay €112M Over Renewable Energy Reforms

Spain must pay more than €112 million to units of the European private equity firm Antin Infrastructure Partners for revoking certain economic incentives for renewable energy producers, marking another loss in arbitration for the country over the measures, a source

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American Arbitration Association
American Bar Association
American Hospital Association
Apple Inc.
Association of Corporate Counsel
Assured Guaranty Ltd.
Avnet Inc.
Boehringer Ingelheim
Center for Biological Diversity Inc.
Center on Budget and Policy
Priorities
Cigna Corporation
Columbia Sportswear Company
Deutsche Telekom AG
Dollar Tree Inc.
Dominion Energy Inc.
Electronic Privacy Information
Center
Epic Systems Corp.
Ernst & Young
Facebook
GAZ Group
Gazprom
Google Inc.
Huawei Technologies
Independence Blue Cross Inc.
Intel Corporation

with knowledge of the award told Law360 on Tuesday. Read more »

LA County's Land-Use Plan Gets Past Enviro Group Objection

A California appeals court on Tuesday upheld Los Angeles County's approval of a 1,800-acre land use plan, rejecting a green group's argument that an additional environmental assessment was warranted because the plan relied on an outdated information. Read more »

IP & TECHNOLOGY

DC Circ. Backs Boehringer In FTC Atty-Client Privilege Row

The D.C. Circuit refused to overturn a ruling that communications subpoenaed from Boehringer Ingelheim Pharmaceuticals Inc. during a Federal Trade Commission pay-for-delay investigation are covered by attorney-client privilege, saying Tuesday one of their main purposes was to get legal advice. Read more »

MEDIA & ENTERTAINMENT

SPLC Apologizes, Pays \$3.4M For Labeling Org. 'Extremist'

The Southern Poverty Law Center has agreed to pay nearly \$3.4 million to Islamic think tank Quilliam Foundation and its founder, Maajid Nawaz, and issued a public apology to them after labeling them as "anti-Muslim extremists" in a publication, the organizations announced on Monday. Read more »

EMPLOYMENT

DOL Blesses ACA-Skirting Association Health Plans

The U.S. Department of Labor published its long-anticipated final rule on association health plans on Tuesday, relaxing the requirements for small businesses to band together to create

International Centre for Settlement of Investment Disputes

JPMorgan Chase & Co.

Kindred Healthcare Inc.

LinkedIn Corp.

Major Lindsey & Africa

Microsoft Corporation

National Basketball Players Association

Natural Resources Defense Council

New York Times Co.

Nike Inc.

P.F. Chang's China Bistro Inc.

PNC Financial Services Group Inc.

Precision Castparts Corp.

PricewaterhouseCoopers

Safeco

Sinclair Broadcast Group, Inc.

SoftBank Group Corp.

Southern Poverty Law Center

T-Mobile USA Inc.

Tribune Media Co.

Twitter Inc.

U.S. Bancorp

U.S. Chamber of Commerce

Wal-Mart Stores Inc.

Washington Post Co.

Xerox Corporation

GOVERNMENT AGENCIES

Bureau of Citizenship and Immigration Services

Bureau of Land Management

Committee on Foreign Investment in the United States

Consumer Financial Protection Bureau

Council on Environmental Quality

Defense Health Agency

health care plans that skirt certain Affordable Care Act requirements, in a move that drew sharp criticism from Democrats and cheers from Republicans. [Read more »](#)

Rutgers Whistleblower Row Revived Over Judge's Silence

A New Jersey state appeals court on Tuesday revived a whistleblower suit against Rutgers University from an ex-employee alleging he was fired in retaliation for his objecting to the school's procurement methods, saying a trial court failed to spell out its reasons for dismissing the case and denying a bid to extend discovery. [Read more »](#)

COMPETITION

EU Antitrust Chief Sees Global Progress Curbing State Aid

The European Union's top competition enforcer touted progress Tuesday in getting countries outside the EU to avoid picking economic winners and losers through "harmful subsidies," part of her efforts to take the bloc's state aid rules global. [Read more »](#)

CYBERSECURITY & PRIVACY

Facebook App Creator Backs Data Privacy Regulation Efforts

U.S. Senate lawmakers and cybersecurity experts, including the creator of the app that allowed Cambridge Analytica to harvest millions of unwitting Facebook users' data, on Tuesday agreed that online companies need more formal data collection and sharing rules, although some balked at the suggestion that regulation should hew too closely to the European Union's current framework. [Read more »](#)

CONSUMER PROTECTION

Dems Ask CFPB Pick To Describe Her Role In Border Policy

Defense Logistics Agency
Department of Commerce
European Commission
European Union
Executive Office of the President
Federal Aviation Administration
Federal Bureau of Investigation
Federal Communications Commission
Federal Energy Regulatory Commission
Federal Trade Commission
Food and Drug Administration
Government Accountability Office
Internal Revenue Service
NATO
National Labor Relations Board
Office of Foreign Assets Control
Office of the U.S. Trade Representative
Oregon Department of Revenue
Pennsylvania Supreme Court
Securities and Exchange Commission
Texas Supreme Court
U.S. Agency for International Development
U.S. Air Force
U.S. Attorney's Office
U.S. Department of Defense
U.S. Department of Energy
U.S. Department of Health and Human Services
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of State
U.S. Department of the Interior
U.S. Department of the Treasury

Two top Democrats on the Senate Banking Committee want to know whether a White House budget official who's been picked to lead the Consumer Financial Protection Bureau had any hand in a Trump administration policy that's resulted in the separation of more than 2,000 children from their parents at the U.S.-Mexico border since May. [Read more »](#)

PRODUCT LIABILITY

Opioid Research Rules Tweaked In Bills Passed By House

The U.S. House of Representatives on Tuesday passed a series of bills changing federal policy on research and approvals for opioids, as part of a broader package of measures aimed at addressing the nation's addiction crisis. [Read more »](#)

AEROSPACE & DEFENSE

Ex-Senate Staffer Seeks To Gag Trump Over 'Leaker' Remark

A former Senate Intelligence Committee aide asked a Washington, D.C., federal judge for a gag order on President Donald Trump on Tuesday, saying the jury pool is likely to be tainted by comments like one Trump made calling him a "leaker." [Read more »](#)

DOJ Watchdog Reviewing Russia Probe For FBI Bias

U.S. Department of Justice Inspector General Michael Horowitz told members of Congress on Tuesday that his office is investigating whether an FBI agent's negative views of then-candidate Donald Trump played a role in the decision to open an investigation into the Trump campaign's contacts with Russia. [Read more »](#)

DC Circ. Grounds Battle Over Privacy In FAA Drone Rules

U.S. House of Representatives

U.S. Senate

U.S. Supreme Court

World Trade Organization

The D.C. Circuit tossed a petition by the Electronic Privacy Information Center on Tuesday that sought to review small drone rules promulgated by the Federal Aviation Administration, finding the nonprofit lacked standing to mount a challenge over the exclusion of privacy safeguards. [Read more »](#)

INTERNATIONAL TRADE

Norway Hits US With WTO Complaint Over Metal Tariffs

Norway has hit back against President Donald Trump's steel and aluminum tariffs and filed a complaint with the World Trade Organization claiming that the duties violate global trade agreements, the WTO said Tuesday. [Read more »](#)

Trump Admin. Has No Plan For China Talks After Tariff Push

The Trump administration has no imminent plans to hold new negotiations with China to resolve the two countries' escalating intellectual property and tariff fight, White House trade adviser Peter Navarro said Tuesday, adding that fruitless recent meetings with the Chinese side have shown that "talk is cheap." [Read more »](#)

TAX

Pension Tax Ballot Measure Not Deceiving, Fla. Panel Says

A Florida state appeals court has refused to invalidate a 2016 Jacksonville vote that established a half-penny surtax to fund the city's pension liability, finding the measure's title and summary weren't crafted in a misleading manner. [Read more »](#)

IMMIGRATION

2 Sens. Oppose Trump's State Dept. Refugee Office Pick

Sens. John McCain, R-Ariz., and Chris Coons, D-Del., on Tuesday penned a letter to U.S. Secretary of State Mike Pompeo opposing President Donald Trump's pick to head an office within the U.S. Department of State dealing with refugees and migrants, arguing that the nominee's anti-immigrant writings make him unfit for the position. [Read more »](#)

NY Plans Suit Over Family Separations At Border

New York Gov. Andrew Cuomo said Tuesday that he and several Empire State government agencies plan to sue President Donald Trump's administration alleging constitutional rights violations for the migrant children pouring into federal shelters in the state. [Read more »](#)

USCIS Expects Delays In Finalizing EB-5 Rule Changes

U.S. Citizenship and Immigration Services does not anticipate taking final action on a set of proposed modifications to the controversial EB-5 Immigrant Investor Program before authorization for its regional centers expires in late September, Director L. Francis Cissna told the Senate Judiciary Committee on Tuesday. [Read more »](#)

TELECOMMUNICATIONS

Sprint, T-Mobile Officially Ask FCC Permission To Merge

T-Mobile and Sprint have asked the Federal Communications Commission for permission to combine forces, according to merger documents posted Tuesday. [Read more »](#)

Gov't Control Has Stifled Spectrum Use, Think Tank Says

Regulation of spectrum has curbed its potential productivity at a time when consumers and the country rely upon fast, ubiquitous wireless internet more than ever, according to a new

report by a free-market think tank. [Read more »](#)

PEOPLE

Ex-NBA Union Atty Joins DC AG As Senior Litigation Counsel

A former general counsel of the National Basketball Players Association who helped ink a \$70 billion collective bargaining agreement for the union has joined the Office of the Attorney General for the District of Columbia as senior counsel for litigation. [Read more »](#)

Q&A

Q&A

A Chat With Holland & Knight CFO Mia Stutzman

In this monthly series, legal recruiters at Major Lindsey & Africa interview management from top law firms about navigating an increasingly competitive business environment. Here we feature Mia Stutzman, chief financial officer at Holland & Knight LLP. [Read more »](#)

EXPERT ANALYSIS

New Frontier Of US Health Info Regulation Comes From EU

While the U.S. Department of Health and Human Services Office of Civil Rights has been quiet recently with respect to Health Insurance Portability and Accountability Act enforcement actions, the newly empowered EU data protection authorities will be eager to flex their muscles and show that the General Data Protection Regulation's extraterritorial reach is not only real, but that noncompliance can be painful, say Nancy Libin and David Saunders of Jenner & Block LLP. [Read more »](#)

New Licenses Ease Ukraine, Russia Business Wind-Downs

The U.S. Department of Treasury Office of Foreign Assets Control continues its effort to

allow U.S. persons to wind down operations or existing contracts that would otherwise violate Ukraine- and Russia-related sanctions. Even though OFAC has issued general licenses for this purpose, U.S. persons may need to obtain specific licenses to fully divest their interests, say attorneys with Schulte Roth & Zabel LLP. [Read more »](#)

Series

FLSA Turns 80: A Closer Look At Conditional Cert. Standard

While the adoption of the two-stage standard for collective action certification may have been born of good intention, its current interpretation strains judicial resources and forces settlement regardless of the merits of Fair Labor Standards Act litigation, say Sari Alamuddin and Allison Powers of Morgan Lewis & Bockius LLP. [Read more »](#)

Opinion

Oregon Should Reinstate Its Tax Haven Law

Repeal of the Oregon tax haven provision was an unwarranted giveaway to profitable multinational corporations that are exploiting foreign tax havens to shift profits earned in Oregon beyond the tax reach of the state. The law should be reinstated, says Michael Mazerov of the Council on Budget and Policy Priorities. [Read more »](#)

Rebuttal

Physician Observation Billing Concerns Are Unwarranted

A recent Expert Analysis article titled "Challenges In Billing Physician Observation Services" needlessly raises concern among hospitals and physicians about proper billing by physicians for Medicare observation services, says Sheree Kanner of Hogan Lovells. [Read more »](#)

#MeToo At Law Firms And What We Can Do About It

While some may say it's ironic, it's also embarrassing and enraging that the very industry that offers anti-harassment training, policies and counsel now finds itself the subject of #MeToo headlines. The American Bar Association recommendation that will bring about the greatest change is the call to provide alternative methods for reporting violations, says Beth Schroeder, chair of Raines Feldman LLP's labor and employment group. [Read more »](#)

LEGAL INDUSTRY

Jones Day Sued Over Alleged Gender Bias, 'Fraternity Culture'

A former Jones Day partner sued the firm in California court Tuesday for allegedly treating women as "second-class citizens," providing preferential treatment to men and firing her for speaking out against its alleged "fraternity culture." [Read more »](#)

Analysis

3 Takeaways From The Recent Round Of Associate Raises

The recent race among law firms to raise salaries and bonuses for associates is likely to change the recruitment landscape for young lawyers and put further distance between an elite echelon of highly profitable firms that can attract the top talent and everyone else, but the upshot for clients is less clear. [Read more »](#)

Reed Smith And Greenberg Opt Out Of Associate Pay Raises

As more law firms each day announce their decisions to raise associate pay to match new industry benchmarks set earlier this month by Milbank Tweed Hadley McCloy LLP and Cravath Swaine & Moore LLP, a few law firms have made it clear they plan to opt out. [Read more »](#)

2 More Law Firms Match Cravath's Associate Pay Raises

Vinson & Elkins LLP and Kramer Levin Naftalis & Frankel LLP have both announced associate raises matching the new pay scale set by Cravath Swaine & Moore LLP last week, according to internal memos made public over the past days. [Read more »](#)

Ex-Prof Slams For-Profit Law School's Bid To Slip FCA Suit

A former professor and an alumnus of the now-closed Charlotte School of Law slammed it and its parent company, Infilaw Corp., in a filing in Florida federal court Monday, deriding their attempts to escape a False Claims Act suit over how the for-profit institution was operated. [Read more »](#)

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From: Ohio Arts Council

Sent: Thursday, June 21, 2018 10:04 AM

To: Rep48

Subject: June | Free Admission to Blue Star Museums, NEA Grant Recipients & more

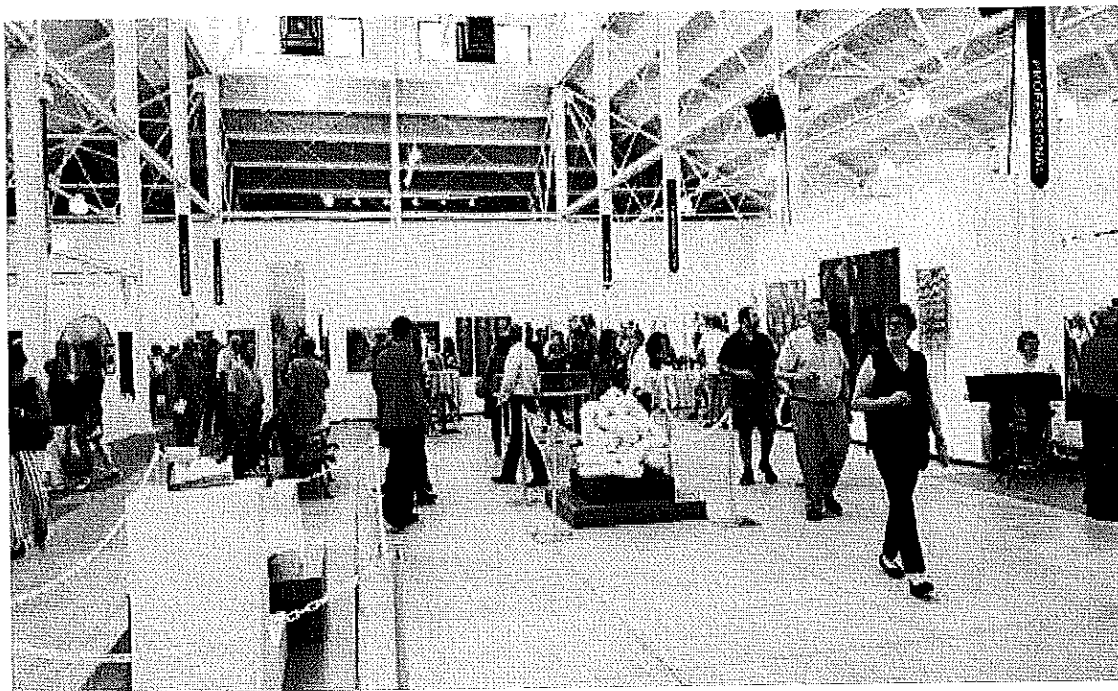
Keep up to date on Ohio Arts Council news, grant deadlines, and more.

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Share your story with #ArtsOhio



GET READY FOR THE OHIO STATE FAIR!



In this month's Message from the Executive Director, Donna S. Collins reflects on memories from the Ohio State Fair and celebrates the Ohio Arts Council's 20th year of involvement in the annual event.

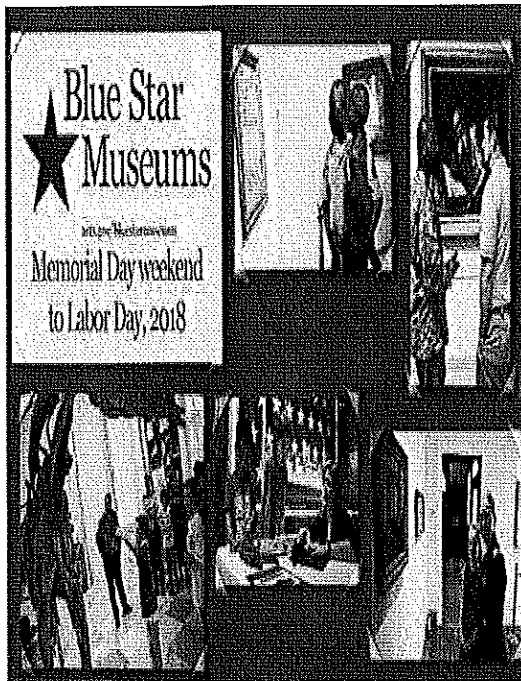
[READ DONNA'S MESSAGE](#)

**STUDENTS EXPLORE SELF-EXPRESSION IN OHIO
CIVIL RIGHTS COMMISSION YOUTH ART EXHIBITION**



Project Snapshot and Envision Project participants learned how to process film and take photos in preparation to display their photography at the Ohio Civil Rights Commission Youth Art Exhibition.

[READ MORE](#)



51 OHIO MUSEUMS OFFER FREE ADMISSION TO MILITARY THIS SUMMER

More than 2,000 museums nationwide are set to offer free admission to the nation's active duty military personnel and their families from Memorial Day weekend through Labor Day.

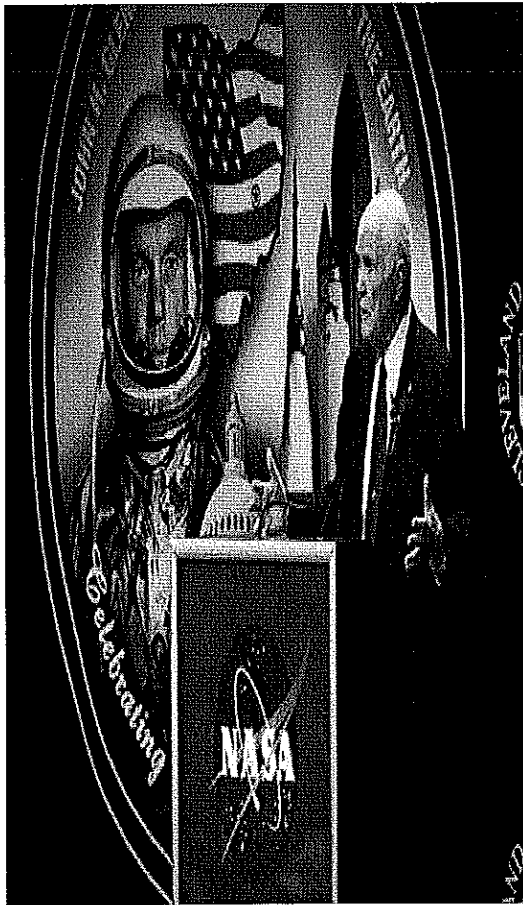
[READ MORE](#)



TWO OHIO COMPANIES RECEIVE GRANTS TO PRODUCE SHAKESPEARE PLAYS AND PROGRAMMING

Cincinnati Shakespeare Company and Cleveland's Great Lakes Theater were awarded Shakespeare in American Communities grants from Arts Midwest and the National Endowment for the Arts.

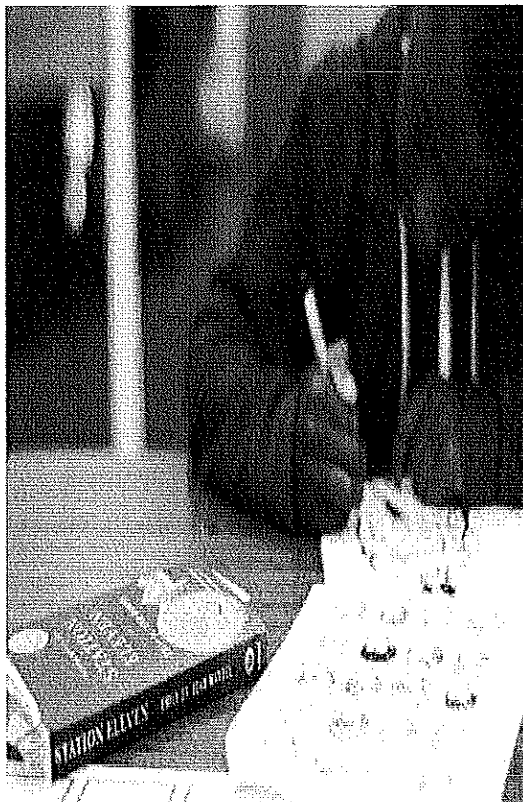
[READ MORE](#)



MUSKINGUM BAND HONORS JOHN GLENN WITH SPECIALLY COMMISSIONED COMPOSITION

"I want them to listen in a way that just lets them experience that feeling of loyalty and that connection that John and Annie had. I just hope that they feel that sense of pride in this great Ohioan, this great Marine, and this great American."

[READ MORE](#)



OHIO ARTS ORGANIZATIONS RECEIVE NATIONAL LITERATURE GRANTS

The Center for Arts-Inspired Learning and the Massillon Museum have each been awarded a \$15,000 NEA Big Read grant to develop specific programming related to community reading efforts.

[READ MORE](#)

ON VIEW

 Riffe Gallery
OHIO ARTS COUNCIL

WOMEN TO WATCH OHIO - 2018

A collaboration with the Ohio Advisory Group of the
National Museum of Women in the Arts

MAY 3 - JULY 7, 2018

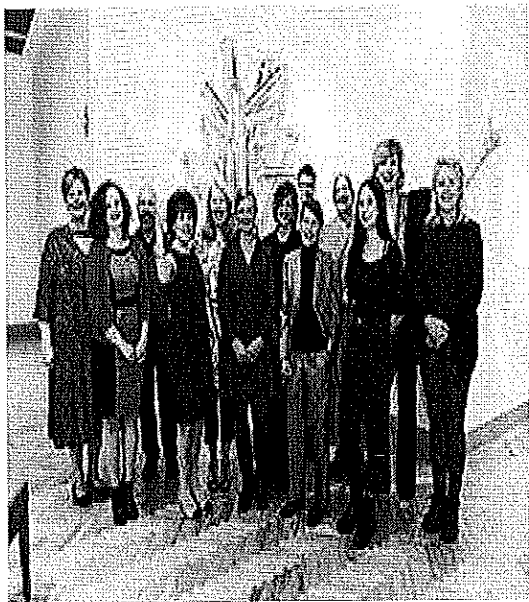


WOMEN TO WATCH OHIO - 2018

May 3 - July 7, 2018

Women to Watch Ohio – 2018 showcases the work of 10 Ohio women working with metal through sculpture, installation, jewelry, and two-dimensional works. The exhibition is developed in collaboration with the Ohio Advisory Group of the National Museum of Women in the Arts and is curated by Ann Bremner and Matt Distel. This is the second *Women to Watch Ohio* exhibition initiated by the Ohio Advisory Group and the first to encompass mid-Ohio as well as the northeast and southwest regions of the state.

[READ MORE](#)

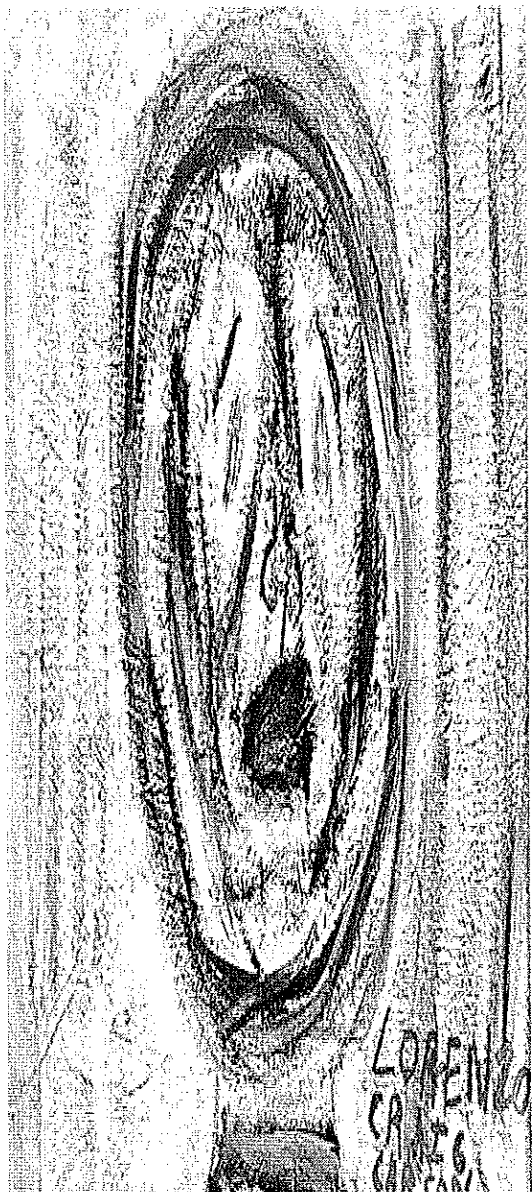


MANIPULATING METAL IN *WOMEN TO WATCH OHIO - 2018*

Women to Watch Ohio - 2018 asks viewers to consider the varied materiality, technical processes, and scale of metalwork. The exhibition presents viewers with an opportunity to pause, look, and learn from an impressive group of artists and to engage with contemporary issues filtered through the lens of an often-gendered material.

[READ MORE](#)

COMING SOON

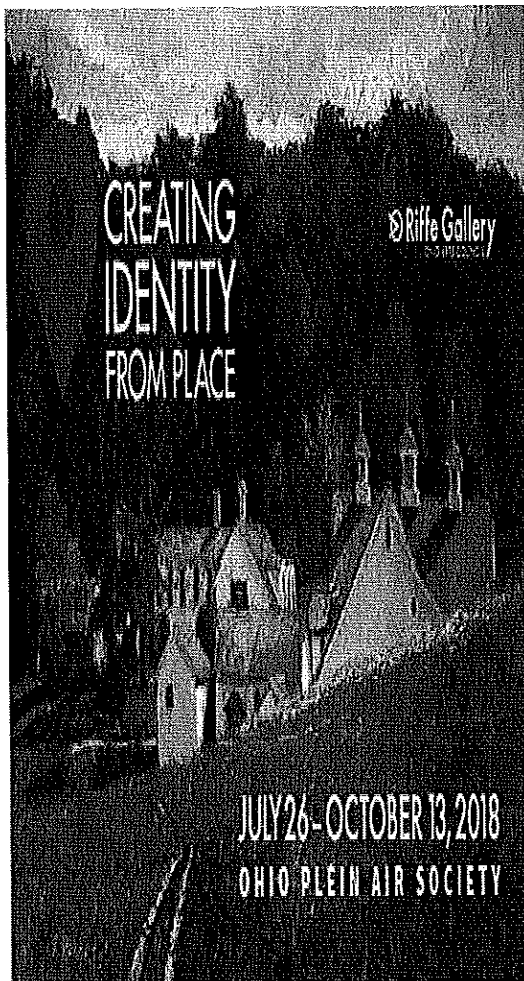


LOBBY EXHIBITION: ACCESSIBLE EXPRESSIONS OHIO, VSA OHIO

June 13 - July 11, 2018

Started in 1996, *Accessible Expressions Ohio* is an adjudicated, statewide exhibition and tour of visual art for artists of all ages with disabilities. This professional development opportunity helps raise awareness about art and disability by presenting the art in inclusive settings.

[READ MORE](#)



CREATING IDENTITY FROM PLACE

July 26 - October 13, 2018

Creating Identity from Place: Ohio Plein Air Society is an exhibition of 73 paintings and drawings created from direct observation in nature. Curated by Artistic Director Charlotte Gordon of the Southern Ohio Museum, this exhibition of Midwestern landscapes is a reflection on the everyday beauty of Ohio.

[READ MORE](#)

FOR ARTISTS | Grants & Opportunities

SEPTEMBER 1: Individual Excellence Awards Grant Applications Due

The **Individual Excellence Awards** program recognizes outstanding accomplishments by artists in a variety of disciplines. Competitive applications

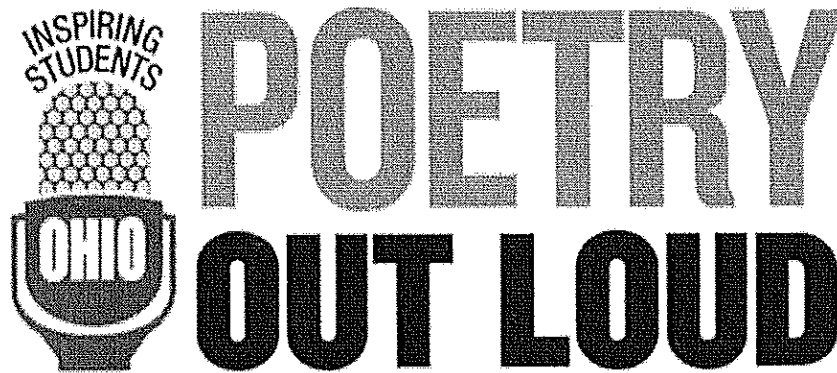
focused on the merit of past artistic work, combined with an open panel review conducted by nationally recognized professionals, ensure that the most exceptional individuals receive funding.

This year, applications are accepted in **crafts; design arts/illustration; interdisciplinary, collaborative & performance art; media arts; photography; visual arts 2D; and visual arts 3D.**

[READ MORE](#)

CONTACT: [Kathy Signorino](#), Artist Programs/ Percent for Art Coordinator

FOR STUDENTS AND EDUCATORS | *Poetry Out Loud*



***Poetry Out Loud* Registration is Now Open**

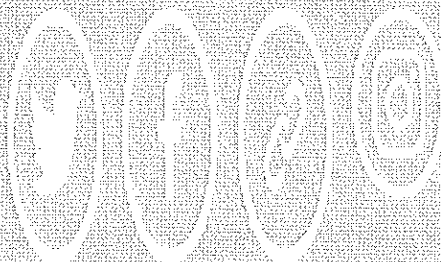
Ohio *Poetry Out Loud* registration is open for the 2018-19 competition! *Poetry Out Loud* encourages students to learn about great poetry through memorization and

recitation.

REGISTER TODAY

CONTACT: Chiquita Mullins Lee, Arts Learning Coordinator

Image credits: 1) Visitors at the 2017 Ohio State Fair Fine Arts Exhibition, Photo by Amanda Etchison; 2) Students whose work is featured in the 2018 Ohio Civil Rights Commission Youth Art Exhibition pose for a photo, Photo by Amanda Etchison; 3) Blue Star Museums graphic, Image courtesy of the National Endowment for the Arts; 4) Great Lakes Theater's performance of Macbeth, Photo courtesy of Great Lakes Theater; 5) Ohio Senator, astronaut, and veteran John Glenn, Photo Credit: NASA; 6) A student participates in a graphic novel creation workshop hosted by the Center for Arts-Inspired Learning, Photo courtesy of the Center for Arts-Inspired Learning; 7) Women to Watch Ohio - 2018 post card, image credit: Carol Boram-Hays, WHOOSH (detail), 2017, steel, duct tape, 114" x 80" x 48"; 8) The artists of Women to Watch Ohio - 2018, Photo courtesy of the Riffe Gallery; 9) Lorenzo Carson, He's God in Columbus, Acrylic on canvas; 10) Robin Roberts, An Evening at Malabar Farm, 2016, Oil on canvas, 15 1/2" x 19 1/2"; 11) Ohio Poetry Out Loud logo



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From: Public Policy Law360
Sent: Monday, June 25, 2018 4:17 AM
To: Rep48
Subject: Trump 'Tweeptedoed' Immigration Bill After House Punts



Monday, June 25, 2018



TOP NEWS

Trump 'Tweeptedoed' Immigration Bill After House Punts

As the birdsong of President Donald Trump's Twitter feed continued Friday morning, it kept up a familiar refrain for many Republicans; saying something — this time that "tweetpedoed" a delayed immigration bill, in the words of one legislator — that makes it more difficult to get legislation passed. [Read more »](#)

Analysis

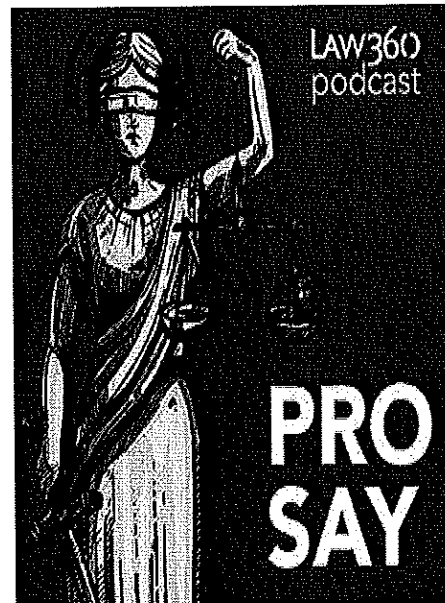
Trump's Immigration Executive Order Puts Flores In Spotlight

The fate of President Donald Trump's executive order aimed at reversing the policy of separating immigrant families in detention rests in the hands of the same California federal judge who 20 years ago presided over the Flores agreement, which mandated that immigrant children cannot be held for longer than 20 days in adult detention facilities. [Read more = 2](#)

Analysis

High Court's Lucia Ruling Opens ALJs To Political Influence

The U.S. Supreme Court's finding that U.S. Securities and Exchange Commission administrative law judges need to be appointed



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LAW FIRMS

Akin Gump
Alston & Bird
Anthony Kennedy PC
Arent Fox
Babst Calland
Ballard Spahr
Berry Appleman
Best Best & Krieger

by the president or the head of the agency potentially leaves the judges open to heightened political influence, legal experts said Friday. [Read more »](#)

Feature

In His Own Words: How Texas Judge Is Mulling ACA Case

A once-obscure Texas federal judge who rocketed to prominence after being handpicked to hear lawsuits against the Obama administration is now overseeing his biggest case yet: an existential challenge to the Affordable Care Act. In an interview with Law360, U.S. District Judge Reed O'Connor explained how he's approaching the momentous legal battle. [Read more »](#)

Feature

The Top Benefits Cases Of 2018: Midyear Report

The Fifth Circuit invalidated the U.S. Department of Labor's fiduciary rule, the defense bar notched gains in its quest to defeat two waves of Employee Retirement Income Security Act class actions, and the U.S. Supreme Court ordered the Sixth Circuit to stop relying on a worker-friendly presumption related to pension vesting. Here's a look at the most significant benefits rulings of the first half of 2018. [Read more »](#)

ENERGY & ENVIRONMENTAL

Analysis

Biggest Enviro Law Rulings Of 2018: Midyear Report

Federal courts in the first half of 2018 issued several rulings that will have major repercussions in the environmental law arena, from a U.S. Supreme Court decision clarifying which courts should hear litigation over Clean Water Act jurisdictional issues to two circuit court opinions clarifying that groundwater can be subject to Clean Water Act permitting requirements. Here, Law360 looks at some of

Bevan Mosca
Beveridge & Diamond
Boies Schiller
Bowman and Brooke
Brewer, Attorneys & Counselors
Carothers DiSante
Cassidy Levy
Choate
Clark Hill
Constantine Cannon
Cooley
Covington & Burling
Cravath Swaine
Crowe & Dunlevy
Curtin & Heefner
DLA Piper
Davis Malm
Davis Wright Tremaine
Dechert
Duane Morris
Dykema Gossett PLLC
Earthjustice
Einhorn Harris
Epstein Becker Green
Eversheds Sutherland
Fenwick & West
Finnegan
FordHarrison
Fragomen Del Rey
Fried Frank
Frost Brown Todd
Gibbons PC
Gibson Dunn
Greenspoon Marder
Haley Guiliano
Hanson Bridgett
Haynes and Boone
Herbert Smith Freehills

the biggest environmental law rulings thus far in 2018. [Read more »](#)

Analysis

Biggest Energy Regulatory Moves Of 2018: Midyear Report

It's been a half-year of regulatory upheaval for the U.S. energy industry, from the Federal Energy Regulatory Commission crafting major electricity and pipeline policy changes to the Environmental Protection Agency ramping up its rollback of Obama-era energy and environmental rules. Here's a list of significant energy-related regulatory moves from the first half of 2018. [Read more »](#)

Feature

1 Year On, Pa. Judges Grapple With Revamped Enviro Rights

It's been one year since the Pennsylvania Supreme Court affirmed that the public's right to clean air and pure water was on equal footing with more fundamental concepts like the right to free speech, and experts say that judges are still grappling with how to apply the idea in high-stakes environmental litigation. [Read more »](#)

NJ Utility Regulator Rejects \$111M Transmission Project

The New Jersey Board of Public Utilities on Friday unanimously rejected a FirstEnergy Corp. unit's petition to construct a \$111 million, 10-mile electric transmission line in Monmouth County, siding with a state administrative law judge's determination that the company hasn't proven the project is necessary to the public. [Read more »](#)

EPA Floats TSCA Guidance On Confidentiality, Animal Testing

The U.S. Environmental Protection Agency on Friday issued new Toxic Substances Control Act policies on animal testing, confidential business information and mercury reporting

Hogan Lovells
Hoge Fenton
Holifield Janich
Holland & Knight
Hunton Andrews Kurth
Jones Day
K&L Gates
King & Spalding
Kirkland & Ellis
Latham & Watkins
Lawyers' Committee for Civil Rights
Littler Mendelson
Lockridge Grindal
Mayer Brown
Maynes Bradford
McGuireWoods
Meyer Darragh
Milbank Tweed
Miller & Chevalier
Morgan Lewis
Morrison & Foerster
O'Melveny & Myers
Ogletree Deakins
Orrick Herrington
Paul Hastings
Pearl Law Group
Peckar & Abramson
Perkins Coie
Pillsbury Winthrop
Proskauer Rose
Quinn Emanuel
Raines Feldman
Riley Safer
Saul Ewing
Seyfarth Shaw
Sidley Austin
Skadden

requirements, meeting deadlines set by Congress in 2016. [Read more »](#)

Minn. Power Grid Law Withstands Constitutional Challenge

A Minnesota federal judge threw out LSP Transmission Holdings' challenge to a state law that provided existing utilities in Minnesota the right of first refusal to build and operate new transmission lines, deciding that the law did not violate the Constitution's dormant commerce clause. [Read more »](#)

HEALTH & LIFE SCIENCES

House Passes Sweeping Opioid Treatment, Medicare Bill

The U.S. House of Representatives passed a sweeping anti-opioid abuse bill Friday with broad bipartisan support, rolling together dozens of other pieces of legislation passed over the last two weeks. [Read more »](#)

MEDIA & ENTERTAINMENT

RI Becomes The Latest State To Legalize Sports Betting

Rhode Island's governor signed into a law Friday a budget that clears the way for in-person sports gambling at two casinos, making the state the latest early adopter of a practice legalized by the U.S. Supreme Court in May. [Read more »](#)

REAL ESTATE

5th Circ. Musn't Stay La. Real Estate Board Case, FTC Says

The Federal Trade Commission urged the Fifth Circuit not to pause an agency administrative trial challenging Louisiana Real Estate Appraisers Board regulations that control appraisal fees, arguing Friday that the appeals court has no jurisdiction over the board's

Snell & Wilmer
Stander Reubens
Stroock & Stroock
Van Ness Feldman
Vinson & Elkins
Ward & Glass
Weil Gotshal
White & Case
Williams & Connolly
WilmerHale
Wilson Sonsini
Windels Marx
Winston & Strawn

COMPANIES

21st Century Fox Inc.
AARP Inc.
AT&T Inc.
Albertsons Companies LLC
All Aboard Florida - Operations LLC
American Bar Association
American Civil Liberties Union
BASF SE
Bristol-Myers Squibb Co.
Cable News Network Inc.
California Independent System Operator
Chemours Co.
China Agritech Inc.
Defenders of Wildlife
Delaware Riverkeeper Network
Deutsche Bank AG
Dominion Energy Inc.
Enbridge
Faculty Athletics Representatives Association
FirstEnergy Corp.
Florida East Coast Industries LLC

immunity from federal antitrust laws, absent a "final" order. [Read more »](#)

EMPLOYMENT

NJ Trooper Can't Revive Whistleblower Suit Over Porn Report

A New Jersey state appeals court Friday refused to revive a state trooper's whistleblower suit alleging she was transferred to an unpopular unit after reporting a superior's pornography use on the job, reasoning that the new assignment was actually a promotion. [Read more »](#)

GOVERNMENT CONTRACTS

Suit Alleging Race Bias In Boston PD Drug Tests Nears Verdict

A Massachusetts federal judge spent several hours in a Boston courtroom Friday discussing racial identity, implicit bias and the legal ramifications of drug-testing employees in a hearing that concluded the evidentiary portion of a long-running discrimination case against the Boston Police Department over false-positive results disproportionately affecting black people. [Read more »](#)

INTERNATIONAL TRADE

ITC Scraps Commerce's Proposed Resin Tariffs On India

The U.S. International Trade Commission said Friday that subsidized Indian imports of a resin product used for non-stick pans were not harming domestic industries, tossing the U.S. Department of Commerce's proposed countervailing duty of 3.6 percent. [Read more »](#)

TAX

E-Cigs, Liquids Subject To Tobacco Tax, Pa. Court Rules

Fortress Investment Group LLC
Franklin Resources Inc.
General Motors
Google Inc.
HCP, Inc.
Home Box Office Inc.
International Game Technology PLC
Ion Geophysical Corporation
Kinder Morgan
Major Lindsey & Africa
Micron Technology Inc.
Mitsubishi UFJ Financial Group Inc.
NFL Enterprises LLC
NJ Transit Corp.
National Collegiate Athletic Association
National Congress of American Indians
New York University
NextEra Energy Inc.
PHH Corporation
PepsiCo Inc.
Philip Morris USA Inc.
Planned Parenthood Federation
Quill Corp.
R.J. Reynolds Tobacco Co. Inc.
Rex Energy Corp.
SAS Institute
Salt River Project
San Diego Gas & Electric Co.
Schlumberger Limited
Sierra Club
Solar Energy Industries Association
Southern California Edison
Sunoco LP
The Capital Group Companies Inc.

A Pennsylvania appeals court ruled Friday that e-cigarettes and e-liquids are subject to the state Tobacco Products Tax Act's 40 percent tax on tobacco products, regardless of whether the liquids have nicotine derived from tobacco. [Read more »](#)

Okla. Justices Nix Petition Challenging Teachers' Pay Tax

Oklahoma's Supreme Court on Friday tossed a referendum petition challenging a new law that raised taxes on oil, cigarettes and gasoline that will fund pay raises for teachers, saying that the summary of the petition was misleading and flawed. [Read more »](#)

NJ Assembly Approves Bill Protecting Tax Agreement With Pa.

The New Jersey Assembly has approved a bill that would prevent the state's governor from unilaterally withdrawing from an income tax agreement with Pennsylvania or any other state, spurred by a threat from the state's former governor. [Read more »](#)

TRANSPORTATION

Feature

Privately Backed Rail And Transit Projects To Watch

Government officials and private developers are pushing ahead with mass transit modernization projects even as infrastructure investment budgets tighten and the political tug-of-war over rural versus urban transportation needs intensifies, industry observers say. [Read more »](#)

IMMIGRATION

17 AGs Join Fight Against Trump's Move To Cancel TPS

More than a dozen state attorneys general on Friday voiced their support for a lawsuit challenging the Trump administration's recent decision to cancel temporary protected status

The DIRECTV Group, Inc.
The Walt Disney Co.
Time Warner Inc.
Twitter Inc.
Uber Technologies Inc.
United Auto Workers
Wayfair LLC
Yale University

GOVERNMENT AGENCIES

Army Corps of Engineers
California Public Utilities Commission
Chicago Department of Aviation
Consumer Financial Protection Bureau
Department of Commerce
Energy Information Administration
Equal Employment Opportunity Commission
European Union
Executive Office of the President
Federal Bureau of Investigation
Federal Energy Regulatory Commission
Federal Trade Commission
Fish and Wildlife Service
Flandreau Santee Sioux Tribe
Food and Drug Administration
Indian Health Service
International Trade Commission
Los Angeles County Metropolitan Transportation Authority
NAFTA
National Highway Traffic Safety Administration
National Railroad Passenger Corporation
Navajo Nation

for immigrants from El Salvador, Haiti and Honduras, urging the district court to hear the immigrants' claims. [Read more »](#)

Gov't Seeks To Nix Immigrants' Protected Status Class Action

The Trump administration did not create a new rule by ending temporary protected status for immigrants whose home countries are in crisis, the U.S. Department of Justice told a California federal judge Friday, arguing that meant the reversal couldn't come under judicial review and a putative class action challenging the decision should be nixed. [Read more »](#)

NATIVE AMERICAN

New Native Americans Head OK'd By Senate

President Donald Trump's choice to head the Administration for Native Americans at the U.S. Department of Health and Human Services has been cleared by the full U.S. Senate, the chair of the U.S. Senate Committee on Indian Affairs has announced. [Read more »](#)

Navajo Man Sues Utah, County Officials Over Election DQ

A Navajo Nation member has hit Utah and San Juan County officials with a federal lawsuit alleging that they denied him the ability to run as a candidate in an upcoming county commission election, contesting a decision to deny him a place on the ballot on residency grounds. [Read more »](#)

EXPERT ANALYSIS

Cheers To 80 Years Of The Food, Drug, And Cosmetic Act

Eighty years ago, President Franklin D. Roosevelt signed the Federal Food, Drug, and Cosmetic Act. In recognition of this anniversary, attorneys at Epstein Becker Green review how the act came to be, how it has evolved, and how the U.S. Food and Drug

New Jersey Board of Public Utilities

Oklahoma Supreme Court

Pennsylvania Department of Revenue

Pennsylvania Supreme Court

Securities and Exchange Commission

Surface Transportation Board

U.S. Customs and Border Protection

U.S. Department of Education

U.S. Department of Energy

U.S. Department of Health and Human Services

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of Transportation

U.S. Department of the Interior

U.S. Environmental Protection Agency

U.S. House Committee on Energy and Commerce

U.S. House of Representatives

U.S. Immigration and Customs Enforcement

U.S. Postal Service

U.S. Senate

U.S. Senate Committee on Indian Affairs

U.S. Supreme Court

World Trade Organization

Administration is enforcing its authority under the act to address the demands of rapidly evolving technology. [Read more »](#)

The Wayfair Brief: What You Should Know

Alston & Bird LLP submitted an amicus brief on behalf of Americans for Tax Reform in *South Dakota v. Wayfair*. Two of the firm's attorneys, Clark Calhoun and Andrew Yates, analyze the fine points of the U.S. Supreme Court's majority and dissenting opinions in this case and offer recommendations for states and online retailers going forward. [Read more »](#)

English-Only Rules In Today's Multicultural Workplace

Several recent events — including a lawsuit against grocery chain Albertsons filed by the U.S. Equal Employment Opportunity Commission — highlight that many employers may not be well-acquainted with the nuances of the law regarding English-only rules, despite the high potential for such sensitive issues to create problems, says Alex Lee of Einhorn Harris Ascher Barbarito & Frost PC. [Read more »](#)

New Steel Measures Are A Test For ITC Sunset Reviews

The U.S. government regularly conducts “sunset reviews” to determine whether an existing anti-dumping or countervailing duty order should be revoked. The agency that reviews these orders tends to lean heavily in favor of keeping the duties — but the recently imposed steel tariffs make continuation of these other trade remedies harder to justify, says Jay Campbell of White & Case LLP. [Read more »](#)

Energy Storage: Are We There Yet?

2018 has proven to be a turning point for energy storage in the U.S. Affordable, reliable batteries, ambitious state capacity goals and a major policy shift from the Federal Energy Regulatory Commission have created an ideal

environment for energy storage to grow at a fast rate, say Paul Kraske and Zahir Rahman of Skadden Arps Slate Meagher & Flom LLP. [Read more »](#)

What New FWS Take Guidance Means For Permit Applicants

New guidance from the U.S. Fish and Wildlife Service clarifies when habitat modification triggers an incidental take permit, who decides whether a permit is needed and who takes the risk, creating significant implications for private project proponents considering whether to seek an incidental take permit and prepare a habitat conservation plan, say attorneys with Pillsbury Winthrop Shaw Pittman LLP. [Read more »](#)

Roundup

FLSA Turns 80

Originally signed by President Franklin D. Roosevelt on June 25, 1938, the Fair Labor Standards Act turns 80 this year. Here, attorneys most familiar with the statute provide different perspectives on the law's impact and development over the course of its history. [Read more »](#)

LEGAL INDUSTRY

The Best Firms For Women And Minority Attorneys

It's the rare law firm that is consistently ahead of the pack on hiring and promoting women and minorities, according to Law360's annual headcount survey. Here are the firms leading the way in building a more diverse attorney workforce. [Read more »](#)

BigLaw Bias & Harassment: Lawyers In Their Own Words

As part of our recent Satisfaction Survey, we asked our readers whether they'd faced harassment or discrimination based on race or sex, and many of the responses were jarring. Here's what they had to say. [Read more »](#)

How Highly Successful Attorneys Prepare For A Day In Court

Preparing for trials or oral arguments can be the busiest and most stressful times of attorneys' careers. Here, some of the industry's most successful litigators share how they get ready to face a judge or jury. [Read more »](#)

Latham, Gibson Dunn Among Latest Firms To Raise Salaries

At least seven law firms ended the week by sharing their plans to raise associate base salaries to match the top-of-the-market pay scale recently set by Cravath Swaine & Moore LLP. [Read more »](#)

Feature

GC Cheat Sheet: The Hottest Corporate News Of The Week

The Trump administration suggested combining the U.S. Department of Labor and the U.S. Department of Education as part of a broader reorganization of federal agencies, a judge deemed the Consumer Financial Protection Bureau as unlawfully structured and the Federal Trade Commission's newly minted chairman said the agency will conduct hearings to refocus its enforcement mission. [Read more »](#)

Podcast

Law360's Pro Say: Trump's Family Separation Scandal

Immigrant families have been separated by the thousands along the Southern border under a Trump administration zero-tolerance policy. On this week's Pro Say podcast we discuss the complex legal dynamics at play, as well as the executive order signed by President Donald Trump that may not provide the relief it promises. [Read more »](#)

In Case You Missed It: Hottest Firms And Stories On Law360

For those who missed out, here's a look back at the law firms, stories and expert analyses

that generated the most buzz on Law360 last week. [Read more »](#)

JOBS

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From: Public Policy Law360
Sent: Tuesday, June 26, 2018 5:01 AM
To: Rep48
Subject: Justices Kick Florist Gay Bias Suit To Wash. Supreme Court



Tuesday, June 26, 2018



TOP NEWS

Justices Kick Florist Gay Bias Suit To Wash. Supreme Court

The U.S. Supreme Court on Monday told the Washington Supreme Court to reconsider whether a florist violated state law by refusing to make a flower arrangement for a gay wedding in light of the court's recent ruling that a Colorado civil rights panel had it in for a baker accused of anti-gay bias. [Read more »](#)

Supreme Court To Hear Case Against Social Security Agency

The U.S. Supreme Court agreed Monday to weigh in on whether job-market experts need to support their conclusions with data when recommending that a judge deny someone Social Security disability benefits because they allegedly could have performed other work. [Read more »](#)

Supreme Court Hands Texas Win In Redistricting Row

The U.S. Supreme Court on Monday largely sided with the state of Texas in a redistricting battle that's been ongoing since 2011, holding in a 5-4 opinion that, with the exception of one state electoral district that was a "racial



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LAW FIRMS

Anthony Kennedy PC
Baldwin Crocker
Bricker & Eckler
Clark Hill
Clyde & Co
Cohen Milstein
Covington & Burling
Cozen O'Connor

gerrymander," the maps can be used moving forward. [Read more »](#)

6th Circ. Says Ohio Judicial Campaign Laws Constitutional

In a precedential opinion Monday, the Sixth Circuit upheld Ohio's restrictions on judicial candidates, saying limits on fundraising, open party affiliation and endorsements "toed [the] constitutional tightrope" and were designed to protect both real and perceived judicial impartiality. [Read more »](#)

EPA Kicks Off Ozone Standard Review

The U.S. Environmental Protection Agency on Monday embarked on an ambitious plan to complete its five-year review of air quality standards for ozone on time, a longtime goal for the agency, but part of the EPA's new methodology has been criticized as too accommodating to industry interests. [Read more »](#)

DHS Stands By Decision To End DACA In DC Court Challenge

The U.S. Department of Homeland Security defended its plan to end the Deferred Action for Childhood Arrivals program, arguing in a memo Friday that the 2012 program protecting certain young unauthorized immigrants from deportation was illegal. [Read more »](#)

Trump Not Eyeing Broader Investment Restrictions: Adviser

A trade adviser to President Donald Trump asserted on Monday that the administration is not considering imposing broad foreign investment restrictions as part of the nation's response to its current intellectual property and trade conflicts with China and other countries. [Read more »](#)

BANKING & SECURITIES

Cravath Swaine
Dorsey & Whitney
Downey Brand
Epstein Becker Green
Fennemore Craig
Foley & Lardner
Gibson Dunn
Hall Lamb
Hillis Clark
Hogan Lovells
Hudson Cook
Jenner & Block
Jones Day
Kamer Zucker
King & Spalding
Kirkland & Ellis
Manatt Phelps
Matheny Sears
Mayer Brown
Milbank Tweed
Morrison & Foerster
Native American Rights Fund
Norris McLaughlin
Norton Rose Fulbright
O'Melveny & Myers
Ogletree Deakins
Rosette LLP
Rushford & Bonotto
Schiff Hardin
Schulte Roth
Sedgwick LLP
Snell & Wilmer
Stoel Rives
Susman Godfrey
Thierman Buck
White & Case
Williams & Connolly
WilmerHale

High Court To Decide Service Row In USS Cole Bombing Case

The U.S. Supreme Court will take up an appeal over service requirements under the Foreign Sovereign Immunities Act that's triggered a split in the circuit courts, granting on Monday Sudan's bid to review whether victims of the 2000 USS Cole bombing are entitled to a \$315 million default judgment after case documents were sent to the country's U.S. embassy. [Read more »](#)

ENERGY & ENVIRONMENTAL

DOL's Mine Office Looking Into New Vehicle, Conveyor Rules

The U.S. Department of Labor's mine safety office may issue new regulations aimed at reducing deaths related to mining vehicle accidents and the use of belt conveyor systems, according to an information request set to be published in the Federal Register on Tuesday. [Read more »](#)

Senate Passes Energy, Water, Construction Spending Bill

The Senate passed a bill providing tens of billions of dollars in federal spending on energy and water projects, military construction and veterans' affairs Monday, the first funding bill for the next fiscal year to pass the chamber. [Read more »](#)

NRDC Asks High Court To Back EPA Authority In HFC Row

The National Resource Defense Council on Monday asked the U.S. Supreme Court to take on its challenge to an appeals court's determination that the U.S. Environmental Protection Agency rule forcing manufacturers to stop using hydrofluorocarbons was invalid, arguing the decision "relegates EPA to the role of neighborhood scold." [Read more »](#)

EMPLOYMENT

Winston & Strawn

COMPANIES

7-Eleven Inc.

Adidas AG

Alliance Defending Freedom

Amazon.com Inc.

American Cable Association

American Civil Liberties Union

American Federation of Labor and Congress of Industrial Organizations

American Federation of Teachers

American Petroleum Institute Inc.

American Trucking Associations Inc.

Ames & Gough

Archdiocese of Washington

Arkema SA

Cambridge University Press Ltd.

Chevron Corp.

DISH Network Corporation

FedEx Corp.

Ford Motor Co.

Goldman Sachs Group Inc.

Harley-Davidson, Inc.

Integrity Staffing Solutions

Ironshore Inc.

Kimpton Hotel & Restaurant Group LLC

Mexican American Legal Defense and Education Fund

Microsoft Corporation

NFL Enterprises LLC

National Employment Law Project

National Immigration Law Center

National Mining Association

National Restaurant Association

Natural Resources Defense Council

Justices Turn Away Tip Pool Suits After Congress Steps In

The U.S. Supreme Court on Monday turned away two appeals challenging the U.S. Department of Labor's 2011 rule barring businesses from making tipped workers share their gratuities with nontipped workers such as dishwashers, declining the cases after Congress pulled parts of the rule in this year's federal spending bill. [Read more »](#)

Ex-NJDOT Ethics Officer Can't Duck Suspension, Court Says

A New Jersey state appeals court on Monday refused to disturb a five-day suspension issued to a former ethics liaison officer at the state Department of Transportation for not completing 1,267 ethics forms and not providing ethics training to 119 new agency employees before he was transferred to another position. [Read more »](#)

CONSUMER PROTECTION

Analysis

NY Ruling Could Fuel Push To Turn CFPB Into Commission

A Manhattan federal judge's recent ruling that the Consumer Financial Protection Bureau is structured unconstitutionally could strengthen the hand of those who want to convert the agency's leadership from a single director to a bipartisan commission, experts said. [Read more »](#)

INTERNATIONAL TRADE

EU, China Eye Closer Economic Ties Amid Trump Trade Brawl

As the Trump administration imposes and threatens new trade barriers on key allies, two of its largest trading partners, the European Union and China, held talks on Monday to draw their economies closer together through a

New York Times Co.

PHH Corporation

Public Company Accounting Oversight Board

QBE Insurance Group

Quill Corp.

Saudi Arabian Oil Co.

Sierra Pacific Industries Inc.

The DIRECTV Group, Inc.

The Florida Bar

Twitter Inc.

Valeo SA

Wayfair LLC

XL Catlin

GOVERNMENT AGENCIES

American Battle Monuments Commission

Army Corps of Engineers

Bureau of Reclamation

Bureau of Safety and

Environmental Enforcement

California Natural Resources Agency

Consumer Financial Protection Bureau

Eastern Shoshone Tribe

European Commission

European Union

Executive Office of the President

Federal Aviation Administration

Federal Communications Commission

Federal Trade Commission

Internal Revenue Service

Massachusetts Legislature

Michigan Department of Treasury

Mine Safety and Health Administration

range of trade liberalization initiatives. [Read more »](#)

Harley-Davidson Eyeing Offshore Move To Skirt EU Tariffs

Motorcycle giant Harley-Davidson said Monday that it is considering moving some of its production out of the U.S. in order to elude steep tariffs on its products that the European Union has imposed in retaliation for the Trump administration's sweeping steel and aluminum duties. [Read more »](#)

TAX

Supreme Court Will Hear Narrowed W.Va. Tax Retirees Case

The U.S. Supreme Court on Monday agreed to hear a limited question on West Virginia's tax treatment of a federal U.S. marshal's retirement benefits, a case that could clarify how the doctrine of intergovernmental tax immunity applies to narrow state employee tax exemptions. [Read more »](#)

Mass. Approves 'Grand Bargain' Bill With Sales Tax Holiday

The Massachusetts Legislature has agreed to a compromise bill known as a "grand bargain," establishing a permanent yearly sales tax holiday, increasing the state's minimum wage to \$15 an hour by 2023 and extending paid medical and family leave. [Read more »](#)

NJ Gov. Pokes Holes In Legislature's Revenue Projections

New Jersey Gov. Phil Murphy on Monday afternoon pushed back on the Legislature's own \$36.5 billion budget passed last week, arguing he will veto the plan because its projected revenues and savings lacked long-term sustainability but giving little indication of progress to head off a possible government shutdown. [Read more »](#)

New Jersey Department of Transportation
New Jersey Legislature
Northern Arapaho Tribe
Office of Foreign Assets Control
Ohio Supreme Court
Omaha Tribe of Nebraska
Securities and Exchange Commission
Social Security Administration
Texas Legislature
U.S. Army
U.S. Attorney's Office
U.S. Customs and Border Protection
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of State
U.S. Department of the Treasury
U.S. Environmental Protection Agency
U.S. House of Representatives
U.S. Immigration and Customs Enforcement
U.S. Senate
U.S. Supreme Court
United States District Court for the Eastern District of Pennsylvania
World Trade Organization
Wyoming Attorney General's Office

NJ Senate Sends Payroll Tax Bill For Jersey City To Gov.

The New Jersey Senate sent the governor a bill Monday that would allow Jersey City to impose a payroll tax to pay for school districts despite industrial groups' complaints that such taxes make municipalities less friendly to businesses. [Read more »](#)

Analysis

Tax Guidance Maintains Sunny Outlook For Solar Developers

Solar developers got some good news last week when the Internal Revenue Service issued guidance ensuring they will enjoy the same level of federal tax credit eligibility as wind power developers, which experts say means the government will shoulder some of the elevated costs of solar projects caused by Trump administration tariffs. [Read more »](#)

IMMIGRATION

Border Patrol Won't Send Crossers With Kids To Prosecutors

U.S. Customs and Border Protection has stopped referring people who've crossed the Mexican border with children to prosecutors in a move the agency characterized Monday as a necessary step to implement President Donald Trump's executive order barring splitting up migrant families. [Read more »](#)

Ariz. Barred From Denying Licenses To Certain Immigrants

Arizona's policy of denying driver's licenses to certain immigrants who've been granted deferred action on their legal status by the federal government has been deemed unconstitutional and blocked by a federal judge. [Read more »](#)

Trump Draws Ire For Demanding Deportation Without Courts

The White House press secretary defended President Donald Trump's tweets suggesting

that unauthorized border crossers should be deported without judicial proceedings despite widespread condemnation from the legal community, saying Monday that immigrants who do not have hearing before a judge still retain due process rights. [Read more »](#)

NATIVE AMERICAN

High Court Won't Hear Tribes' Appeal Of Reservation Ruling

The U.S. Supreme Court on Monday declined to hear the Eastern Shoshone and Northern Arapaho tribes' challenges to a Tenth Circuit ruling that the tribes' shared Wyoming reservation was shrunk by a 1905 law. [Read more »](#)

TELECOMMUNICATIONS

FCC Raises Telemedicine Program Cap To \$571M

The Federal Communications Commission voted Monday to raise the cap on its rural health care program to \$571 million, in a move hailed as helping underserved areas gain access to modern medical services through technology. [Read more »](#)

FCC Must Even Cable, IPTV And Satellite Fees, Groups Say

The Federal Communications Commission should hike regulatory fees assessed on DirecTV and DISH Network to align them with burdens already shouldered by cable and internet-protocol-based TV programmers, industry groups recently argued. [Read more »](#)

WHITE COLLAR

Allentown Mayor's Promise To Atty Not Bribery, Judge Told

Evidence of a general promise of future city legal work in exchange for campaign contributions to the now-convicted former mayor of Allentown, Pennsylvania, was not

enough to convict ex-Norris McLaughlin & Marcus PA partner Scott Allinson for bribery, a federal judge heard Monday. [Read more »](#)

EXPERT ANALYSIS

Series

From Lawmaker To Lawyer: 6 Things I Learned In Congress

I found that senior members of Congress didn't have time to mentor younger members. Lawyers — though just as busy as members of Congress — cannot afford to follow this model, says former Rep. Charles Gonzalez, D-Texas, of Ogletree Deakins Nash Smoak & Stewart PC. [Read more »](#)

Lucia Leaves Many Important Questions Unanswered

Predicting the impact of the U.S. Supreme Court's decision in Lucia is far from simple. Litigants cannot be sure how the U.S. Securities and Exchange Commission will handle pending matters, and the SEC cannot be sure how administrative law judges should be appointed in the future to avoid additional judicial scrutiny, say attorneys with Morrison & Foerster LLP. [Read more »](#)

FLSA At 80: It's More Important Than Ever

Today, wages are stagnating while CEO and executive pay continue to skyrocket, many workers in low-wage industries struggle to bring home minimum wage due to weakly enforced wage theft laws, and some employers are finding more ways to outsource work and evade responsibility for their workers. We need the Fair Labor Standards Act more than ever, says Catherine Ruckelshaus, general counsel at the National Employment Law Project. [Read more »](#)

Opinion

Asylum Seekers Lose Under AG Sessions' New Restrictions

Attorney General Jeff Sessions recently issued a decision limiting the availability of asylum for women and children who suffer domestic violence in their home country, vacating existing precedent and delivering a blow to victims of domestic violence from countries without institutions to protect them, says Jim Feroli, pro bono coordinator and government liaison at Catholic Charities, Archdiocese of Washington. [Read more »](#)

Will The Robots Who Replace Us Also Pay Income Tax?

Modern information technology, intelligent algorithms and production robots are strongly influencing the working world in the 21st century. This article, by attorneys at CMS Francis Lefebvre, provides an overview of the future labor market as well as the impact of artificial intelligence on labor law and tax issues. [Read more »](#)

BSEE Listened To Industry In Well Control Rule Revisions

The U.S. Bureau of Safety and Environmental Enforcement issued its 2016 well control rule in the wake of the Deepwater Horizon disaster. The revisions it proposed last month respond to complaints that the rule failed to account for best available, economically feasible safety technologies, and set out requirements that were neutral in benefit but rendered some wells uneconomical, say attorneys with King & Spalding LLP. [Read more »](#)

Venezuela Sanctions Complicate Compliance For Cos.

New sanctions issued by President Donald Trump last month prohibit transactions involving the purchase of any debt owed to the Venezuela government. The challenge for firms that buy and sell securities is that the interest of a sanctioned party in any given security or transaction may not be readily apparent, say attorneys with Schulte Roth & Zabel LLP. [Read more »](#)

LEGAL INDUSTRY

Susman Godfrey Outranks Cravath With Higher Associate Pay

Susman Godfrey LLP has topped the associate compensation scale put forth two weeks ago by Cravath Swaine & Moore LLP by offering an additional \$5,000 for each class of attorneys, the Texas-based law firm said Monday. [Read more »](#)

Chicago Landlord Says Defunct Sedgwick Law Firm In Default

The owner of the building that housed Sedgwick LLP's Chicago office asked a California state court for an entry of default against the now-defunct law firm and its partners Friday, a request that came almost three months after the landlord filed a suit alleging breach of contract and seeking more than \$450,000 in damages. [Read more »](#)

Big Legal Malpractice Claim Payouts Up As Volume Stays Flat

The number of allegations of blown cases and bad legal advice last year appeared steady even as the number of mega-sized malpractice bills continued to grow, according to insurer data released Monday. [Read more »](#)

Justices Decline Recusal Question On Judge's Alleged Tweets

The U.S. Supreme Court on Monday declined to hear a bid by Sierra Pacific Industries Inc. to overturn a Ninth Circuit decision upholding a \$55 million California wildfire settlement and acreage transfer in a case where a federal judge's allegedly improper tweets were also at issue. [Read more »](#)

Interview

15 Minutes With Kimpton Hotels' General Counsel

Throughout her law career, Melinda Stier has had two stints at Kimpton Hotels & Restaurants, a path she refers to as a

"boomerang." From 2004 until 2007, she worked as vice president and assistant general counsel, and now she is at the top of the legal rung. Here, Stier shares ways the hotel industry is adapting to changes in technology and the most important skills for a general counsel that she didn't learn in law school. [Read more »](#)

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Sent: Wednesday, June 27, 2018 4:37 AM
To: Rep48
Subject: 3 Takeaways From The High Court's Travel Ban Ruling



Wednesday, June 27, 2018



TOP NEWS

Analysis

3 Takeaways From The High Court's Travel Ban Ruling

The U.S. Supreme Court's highly anticipated ruling on Tuesday to uphold President Donald Trump's travel ban carries heavy implications for religious freedom and executive power. Here, Law360 takes a look at the key takeaways from the ruling. [Read more »](#)

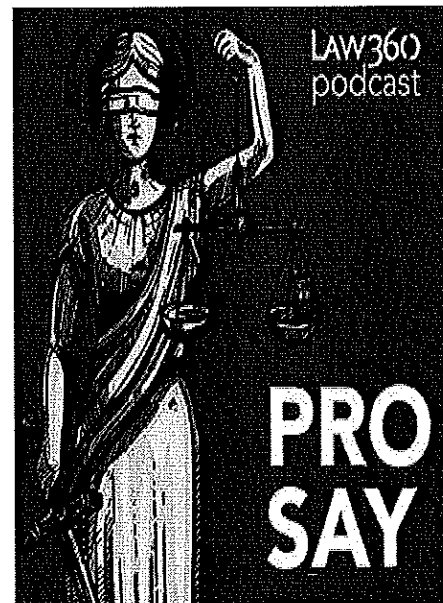
High Court Upholds Trump's 3rd Travel Ban

The U.S. Supreme Court on Tuesday upheld the third version of President Donald Trump's travel ban targeting nationals of six predominantly Muslim countries, ruling that the president did not overstep his statutory immigration powers. [Read more »](#)

Analysis

Aussie Debate On Legal Funder Rules Holds Lessons For US

A radical effort in Australia to license litigation funders should hold lessons for the U.S. as courts and legislators grapple over rules for the fast-growing industry, experts said, including the country's reliance on hard data to inform the debate about regulation. [Read more »](#)



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Anthony Kennedy PC
Baker Botts
Boies Schiller
Brannock & Humphries
Clyde & Co
Covington & Burling
Cravath Swaine

Calif. Judge Bars Separation Of Immigrant Families

A California federal judge ordered the Trump administration late Tuesday night to reunify immigrant parents separated from their children in detention within 30 days and cease the practice of separating immigrant families in certain circumstances. [Read more »](#)

Fla. Atty Seeks High Court Action In Judicial Election Fight

A Jacksonville attorney fighting Florida Gov. Rick Scott over a soon-to-open seat on the local circuit court bench filed an emergency petition with the Florida Supreme Court on Monday asking the justices to block the governor from making an appointment while his suit is pending. [Read more »](#)

Toss Of Del. Courts' Political Balance Rules Paused By Judge

A federal magistrate judge in Delaware on Monday stayed a December ruling that struck down a state requirement for political balance on its judicial benches, citing as a reason in part the potential harm from court vacancies during a pending Third Circuit appeal. [Read more »](#)

EPA Boosts Renewable Fuels, But Ethanol Makers Not Happy

The U.S. Environmental Protection Agency on Tuesday said it wants to increase the volume of renewable fuels present in the U.S. gasoline supply in 2019, but ethanol producers cried foul over the number of waivers the EPA is issuing to refineries. [Read more »](#)

BANKING & SECURITIES

Crypto Insiders Want Clearer Regulation Of Their Industry

Most cryptocurrency executives and investors favor government regulation of their own industry, hoping that a clearer set of rules will resolve legal uncertainties that continue to

Crowell & Moring
Davis Wright Tremaine
Debevoise & Plimpton
Desmarais LLP
Earthjustice
Finger & Slanina
Foley & Lardner
Hogan Lovells
Hunton Andrews Kurth
Jackson Lewis
Jones Day
Kirkland & Ellis
Linklaters
Lowenstein Sandler
McDermott Will
Milam Howard
Milbank Tweed
Ogletree Deakins
Paul Hastings
Perkins Coie
Reed Smith
Sanford Heisler
Shearman & Sterling
Shipley Snell
Sidley Austin
Simpson Thacher
Stoel Rives
Troutman Sanders
White & Case
Young Conaway

COMPANIES

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Alliance Defending Freedom
American Bar Association
American Chemistry Council Inc.
American Civil Liberties Union
American Enterprise Institute